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DEBATES OF THE LEGISLATIVE  
ASSEMBLY OF  
UNITED CANADA

Volume IX

Part I

1850

1977







DEBATES OF THE LEGISLATIVE ASSEMBLY OF UNITED CANADA  
1841-1867

Published under the direction of the  
Centre d'Etude du Québec  
and the  
Centre de recherche en histoire économique du Canada français

General Editor  
*Elizabeth Gibbs*

DEBATES OF THE LEGISLATIVE  
ASSEMBLY OF  
UNITED CANADA

Volume IX, Part I  
1850

Edited by  
*Elizabeth Gibbs*

CENTRE DE RECHERCHE EN HISTOIRE ECONOMIQUE DU CANADA FRANCAIS  
5255, avenue Decelles, Montréal, Québec H3T 1V6



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\*Centre de recherche en histoire économique du Canada français

## INTRODUCTION

The Introduction to the first Volume of this series, DEBATES OF THE LEGISLATIVE ASSEMBLY OF UNITED CANADA, 1841, included a history of parliamentary reporting in Britain, Upper and Lower Canada, and of course Union Canada. Parliamentary reporting was both an institution inextricably bound up with Parliament, and a profession under the patronage of the commercial Press. Its constitutional and practical development was traced, including the influences of the ancestral British system upon its derivative Canadian transplants. In the Chapters dealing specifically with the Canadas, the local conditions which in their turn modified the original British model were discussed in detail. The most important of these were: the bilingualism of the Lower and United Canada Legislatures; the poverty of Canadian editors and the small size of their newspapers; the political biases of parliamentary reporters who also lacked stenographic skills; and poor accommodations and worse acoustics in the House. The result of all this was that on the whole, Canadian parliamentary reporters were limited to providing third person summaries of the speeches. Essentially, parliamentary reporting was a politically-oriented profession which was also an integral part of the world of journalism.

All kinds of data about parliamentary reporting as an institution and as a profession were considered: the policies of its newspaper patrons; its techniques; the skills and foibles of its personnel; and the problems such as accommodation faced by the reporters. The other record of parliamentary proceedings, the official JOURNALS, was also analysed. On the basis of this analysis of reports and JOURNALS, a methodology was elaborated which involved collating the reports and integrating them into the JOURNALS.\* The object of that methodology was to produce a verisimilar record of the parliamentary debates and proceedings. Since verbatim reporting was virtually unknown, verisimilitude was the only possible goal. Various problems were anticipated and their solutions incorporated into the methodology. Each methodological step was explained and then implemented, thus producing the Canadian HANSARD.

The theoretical methodology remains unchanged for reconstructing the debates of the years following 1841, with only some changes in practical application. The most important change from one year to the next is the basic source material, the newspapers containing the parliamentary reports. Seventeen newspapers were consulted for the session of 1850, the chief characteristics of which are described in the following table.

\*In this way the entire text of the JOURNALS is reproduced in the reconstructed HANSARD. Also included are references to Appendices to the JOURNALS, although these Appendices, often volumes long, are not reproduced in this work, nor mentioned in our Index.



Newspaper	District, Section	Language	Political Orientation	Special M.P.'s	Completeness of Paper on Microfilm	Weekly Distribution	Average Number of Columns of Debate per Issue	Completeness of Reports	Person Reported In	Origin of Reports	Coverage Given to Legislative Council
L'AVENIR	Montreal, L.C.	French	Radical Reform	L.J. Papineau	Very	Four times, Tuesday, Wednesday, Thursday and Saturday	5 - 11	Good	Third	Original	Very rarely
BATHURST COURIER	Bathurst, U.C.	English	Reform	Malcolm Cameron	Very	Once, Friday	5 - 10	Very good	First, third	Copied, mainly from Pilot, Montreal Transcript, and Examiner	Rarely
BRITISH COLONIST	Toronto, Home, U.C.	English	Moderate Conservative	-	Very	Twice, Tuesday, Friday	3 - 8	Very good	First, third	Copied, usually from Montreal Gazette	Regularly, 1 column
BRITISH WHIG	Kingston, Midland, U.C.	English	Conservative	-	Very	Daily	1 - 2	Excellent	First, third	Copied, mainly from Montreal papers, especially Pilot	Regularly, 1 column
BROCKVILLE RECORDER	Johnston, Eastern & Bathurst, U.C.	English	Reform	Malcolm Cameron	Very	Once, Thursday	7 - 13	Good for Upper Canada	First, third	Copied from Montreal papers	Frequently, 1 column
EXAMINER	Toronto, U.C.	English	Reform	-	Very	Weekly, Wednesdays	9	Very good	First, third	Original	Occasionally, 1 - 1 column
GLOBE	Toronto, U.C.	English	Reform	Upper Canadian Reformers	Very	Three times, Tuesday, Thursday, Saturday	9	Very good	Third	Original or copied from Pilot	Frequently, 1 - 7 columns
HAMILTON SPECTATOR	Hamilton, U.C.	English	Conservative	Sir Allan MacNab	Very	Twice, Wednesday, Saturday	7	Excellent	First, third	Copied from Montreal real papers, especially Montreal Gazette, and from Globe	Frequently, 1 - 2 columns, until June 22nd, then rarely
LE JOURNAL DE QUEBEC	Quebec, L.C.	French	Reform	French Canadian Reformers	Very	Three times, Tuesday, Thursday, Saturday	4	Very good for Lower Canada	First, third	Some original, often copied from La Minerve	Never
LA MINERVE	Montreal, L.C.	French	Reform	French Canadian Reformers	Very	Twice, Monday, Thursday	3 - 10	Very good for Lower Canada	First, third	Some original, some copied	Never
MONTREAL GAZETTE	Montreal, L.C.	English	Conservative	Conservatives	Very	Twice, Monday, Saturday	1 - 4	Excellent	First, third	Original	Occasionally, 1 - 2 columns
MONTREAL TRANSCRIPT	Montreal, L.C.	English	Conservative	Conservatives	Very	Three times, Tuesday, Thursday, Saturday	0 - 3	Concise but very good reports	First, third	Original	Rarely
MORNING CHRONICLE	Quebec, L.C.	English	Conservative	-	Very	Irregular, but almost daily	1 - 4	Scanty	Third	Copied, often from Pilot and Montreal Herald	Rarely, 1 - 2 columns
NIAGARA MAIL	Niagara, U.C.	English	Reform	-	Many issues missing	Once, Wednesday	2 - 4	Scanty	Third	Copied	Never
NORTH AMERICAN	Toronto, U.C.	English	Radical Reform	Radical Reformers	Very	Twice, Tuesday, Friday	2 - 8	Excellent	Third	Original	Regularly, 1 - 4 columns
OTTAWA CITIZEN (formerly PACKET)	Ottawa, U.C.	English	Moderate Reform	Robert Baldwin	Very	Once, Saturday	2 - 6	Very good	First, third	Copied, often from Pilot	Occasionally, 1 - 1 1/2 columns
PILOT	Montreal, L.C.	English	Reform	Reformers, especially L.H. LaFontaine, R. Baldwin, F. Hincks	Very	Three times, Tuesday, Thursday, Saturday	4 - 6	Excellent	First, third	Original	Regularly, 1 - 1 1/2 columns
ST. CATHARINES JOURNAL	Niagara, U.C.	English	Moderate Reform	William Hamilton Merritt	Very	Once, Thursday	2	Edited, but excellent	First, third	Copied from Montreal papers	Rarely

The reasons for including such newspapers as the BATHURST COURIER, the HAMILTON SPECTATOR, the MORNING CHRONICLE, the KENT ADVERTISER, and the ST. CATHARINES JOURNAL were explained in detail in the Introduction to Volume I. Briefly, they printed parliamentary reports collated from various available sources. Thus they provide a check against missing debates from single issues or even entire newspaper runs which have not been preserved.

The technique used to footnote the collated debates does more than identify the sources from which material was drawn. The footnotes also explain any variations in the methodology, and give certain details useful for understanding the debates. There are five main rules for footnotes. 1) The transcribed text of each speaker's words is identified. When alternate texts are presented, the sources for each text are given. When a single speech has been reconstructed from reports in more than one newspaper, the source of each specific portion of the speech is identified. 2) All alternate sources which have been consulted but not selected are noted, except for reports which just copied the JOURNALS. Included in the alternate sources mentioned are those papers whose reports were either copied, edited or paraphrased from another paper, with the original source noted. 3) Commentaries on the debate in question are noted, and in a few cases, are transcribed verbatim. 4) The footnotes include any additional information necessary to explain the methodology adopted in dealing with situations which do not conform to any of the models described. 5) One of this project's fundamental assumptions is that the JOURNALS' account of proceedings was correct though not always complete. However, there are occasional discrepancies between the JOURNALS and the newspaper reports. These discrepancies are always noted. For example, sometimes the names of movers and seconders are different in the newspapers and the JOURNALS. In these cases the names cited by the newspaper are listed in a footnote.

The Appendices to each day's proceedings are entirely supplementary to the JOURNALS. The Appendices contain: 1) notices of proposed motions, petitions and bills; 2) debates on withdrawn motions; and 3) questions and answers. A substantial part of the Appendices consists of notices of motions. Debates on withdrawn motions are more interesting because they appear nowhere in any official record, whereas the measures of which notice was given appear later in the JOURNALS as a normal part of the legislative activity. The third category in the Appendices is for questions and answers. Despite their importance, they were not recorded in the JOURNALS unless incorporated into a formal motion or address. All questions and answers reported in the newspapers are included in the Appendix for the appropriate day.

The technical forms of this volume remain unchanged from those of preceding volumes: 1) The spelling of speakers' names at the opening of each individual speech has been standardized. Changes from the spelling in the newspaper are not noted. The names most commonly misspelled in newspapers are McNab, Macnab, M'Nab instead of MacNab; McFarlane or MacFarlane instead of McFarland; and various spellings of Macdonald. All spelling of names within a speech is left unchanged, however. 2) Whenever a member was reported to have spoken in English or in French, this fact is noted. For example, "Mr. Cauchon (in French)", whether or not there exists a report of the speech in the language of delivery. 3) A system of double pagination is used. The parenthesized page numbers on the left-hand side refer to the page of the JOURNALS while the centred number is our own.



4) Four of the newspapers are referred to in abbreviated form, the DAILY BRITISH WHIG as the BRITISH WHIG, the HAMILTON SPECTATOR AND JOURNAL OF COMMERCE as the HAMILTON SPECTATOR, the PILOT AND JOURNAL OF COMMERCE as the PILOT, and the ST. CATHARINES AND PORT ROBINSON JOURNAL as the ST. CATHARINES JOURNAL. 5) The various parentheses used in the newspapers are represented in our text by ( ). 6) Double parentheses always contain our own comments, explanatory notes or suggestions. Only the word "sic" is contained within a single parenthesis. 7) Words such as "expenche", "controul", "surprize", and "tems" which were misspelled as often as not, are reproduced without the word "sic". 8) When for the sake of clarity we must interpolate a word, we stay as close as possible to the usual style of the newspaper. 9) When it is necessary to reconstruct a sentence from excerpts drawn from more than one source, the problem of punctuation becomes acute. The strict application of ellipsis, added to the necessary footnote number, is both unwieldy and difficult to assimilate at first reading. As a result, another means of expressing the ellipsis had to be devised. A simple method was adopted, which is also used in sentences which are not reproduced in full, but are cut off before the end. Appropriate punctuation integrates the various excerpts, replacing the awkward ellipses. This editorially imposed punctuation is indicated by the simple expedient of placing the footnote reference immediately following the text, but before our punctuation. Conversely, whenever a footnote follows punctuation, that punctuation has been reproduced from the text of the newspaper. For example, the sentence "SIR A. MACNAB said that he would go to town....<sup>1</sup> he meant to the town of Three Rivers....<sup>2</sup> as soon as possible....<sup>3</sup>" becomes "SIR A. MACNAB said that he would go to town<sup>1</sup>, he meant to the town of Three Rivers<sup>2</sup>, as soon as possible<sup>3</sup>."

The style and methodology are designed in all ways to achieve the goal of a verisimilar account of the debates of the Legislative Assembly. The texts are completely unretouched; even grammatical and spelling errors remain uncorrected. One of the reasons for this decision to sacrifice style to fidelity was that the reader or student can best use his own judgment if he has the original material before him. He can then decide how to use the material: he can reproduce it exactly, or he can edit it and improve upon its style in whatever way he judges most appropriate. The only editing imposed upon the work was never for purposes of literary style, but only to render collated passages less disjointed, truncated and confusing. The criterion was never that a passage was awkwardly phrased, but rather that it was incoherent. For example, even the habitual tense changes were never altered to make them consistent so that not infrequently speakers in one debate are reported each in a different tense. In a fairly typical debate, "Sir A. MacNab thinks" while "Dr. Nelson said" and "Mr. Mongenais had opposed." The real editing work occurred in the earlier stage of the work, when the passages here reproduced as the reconstructed debates were selected. Therefore all elegancies of language are gratuitous, and such texts were invariably selected for content and not because of the felicity with which they were expressed.

This manuscript was typed in its final form by Valerie Harrison and Margie MacKinnon. Susan Galbraith prepared and typed the very complex subject index. Luc Bouchard, Lynne Marler, Irene Osakiwsky, and Joan Riley also assisted in the production of this volume. The following pages are a testimony to their careful labour and patience.

EXECUTIVE COUNCILLORS  
AND THEIR POSITIONS

THIRD PARLIAMENT - THIRD SESSION  
14 MAY - 10 AUGUST 1850

BALDWIN, Robert	
Member of the Executive Council:	11 March 1848 to 27 Oct. 1851
Attorney General, U.C.:	11 March 1848 to 27 Oct. 1851
BOURRET, Joseph	
Member of the Executive Council:	17 April 1850 to 27 Oct. 1851
President of the Executive Council:	17 April 1850 to 11 Feb. 1851
Asst. Com. of Public Works:	17 April 1850 to 11 Feb. 1851
Member of the Legislative Council:	21 Nov. 1848 to 5 March 1859
HINCKS, Francis	
Member of the Executive Council:	11 March 1848 to 10 Sept. 1854
Inspector General:	11 March 1848 to 10 Sept. 1854
LAFONTAINE, Louis Hippolyte	
Member of the Executive Council:	10 March 1848 to 27 Oct. 1851
Attorney General, L.C.:	10 March 1848 to 27 Oct. 1851
LESLIE, John	
Member of the Executive Council:	11 March 1848 to 27 Oct. 1851
Provincial Secretary:	15 Sept. 1848 to 27 Oct. 1851
Member of the Legislative Council:	23 May 1848 to 30 June 1867
MERRITT, William Hamilton	
Member of the Executive Council:	15 Sept. 1848 to 11 Feb. 1851
Commissioner of Public Works:	8 April 1850 to 11 Feb. 1851
PRICE, James Hervey	
Member of the Executive Council:	11 March 1848 to 27 Oct. 1851
Commissioner of Crown Lands:	11 March 1848 to 27 Oct. 1851
TACHE, Dr. Etienne Paschal	
Member of the Executive Council:	11 March 1848 to 25 Nov. 1857
Receiver General:	27 Nov. 1849 to 23 May 1856

# MEMBERS OF THE LEGISLATIVE ASSEMBLY

## AND THEIR CONSTITUENCIES

1850

Armstrong, David Morrison.....	Berthier, L.C.
Badgley, William.....	Missisquoi, L.C.
Baldwin, Robert.....	York, North Riding, U.C.
Bell, Robert.....	Lanark, U.C.
Boulton, Henry John.....	Norfolk, U.C.
Boulton, William Henry.....	Toronto, City, U.C.
Bouthillier, Thomas.....	St. Hyacinthe, L.C.
Burritt, Read.....	Grenville, U.C.
Cameron, John Hillyard.....	Cornwall, U.C.
Cameron, Malcolm.....	Kent, U.C.
Cartier, George Etienne.....	Verchères, L.C.
Cauchon, Joseph Edouard.....	Montmorency, L.C.
Cayley, William.....	Huron, U.C.
Chabot, Jean.....	Quebec, City, L.C.
Chauveau, Pierre Joseph Olivier.....	Quebec, County, L.C.
Christie, Robert.....	Gaspé, L.C.
Crysler, John Pliny.....	Dundas, U.C.
Cuthbert, William.....	Bonaventure, L.C.
Davignon, Pierre.....	Rouville, L.C.
DeWitt, Jacob.....	Beauharnois, L.C.
Dickson, Walter Hamilton.....	Niagara, Town, U.C.
Drummond, Lewis Thomas.....	Shefford, L.C.
Duchesnay, Antoine Juchereau.....	Portneuf, L.C.
Dumas, Norbert.....	Leinster, L.C.
Egan, John.....	Ottawa, County, L.C.
Fergusson, Adam Johnston.....	Waterloo, U.C.
Flint, Billa.....	Hastings, U.C.
Fortier, Thomas.....	Nicolet, L.C.
Fournier, Charles François.....	L'Islet, L.C.
Fourquin dit Léveillé, Michel.....	Yamaska, L.C.
Gugy, Bartholomew Conrad Augustus.....	Sherbrooke, Town, L.C.
Guillet, Louis.....	Champlain, L.C.
Hall, James.....	Peterborough, U.C.
Hincks, Francis.....	Oxford, U.C.
Holmes, Benjamin.....	Montreal, City, L.C.
Hopkins, Caleb <sup>1</sup> .....	Halton, U.C.
Jobin, André.....	Montreal, County, L.C.
Johnson, Thomas Hall.....	Prescott, U.C.
Lacoste, Louis <sup>2</sup> .....	Chambly, L.C.
LaFontaine, Louis Hippolyte.....	Montreal, City, L.C.
Laterrière, Marc Pascal de Sales.....	Saguenay, L.C.
Laurin, Joseph.....	Lotbinière, L.C.
Lemieux, François.....	Dorchester, L.C.



Lyon, George Byron.....	Russell, U.C.
Macdonald, John Alexander.....	Kingston, City, U.C.
Macdonald, John Sandfield.....	Glengarry, U.C.
MacNab, Allan Napier.....	Hamilton, City, U.C.
Malloch, Edward.....	Carleton, U.C.
Marquis, Pierre Canac dit.....	Kamouraska, L.C.
McConnell, John.....	Stanstead, L.C.
McFarland, Duncan.....	Welland, U.C.
McLean, Alexander.....	Stormont, U.C.
Merritt, William Hamilton.....	Lincoln, U.C.
Méthot, François Xavier.....	Quebec, City, L.C.
Meyers, Adam Henry.....	Northumberland, U.C.
Mongenais, Jean Baptiste.....	Vaudreuil, L.C.
Morin, Augustin Norbert.....	Bellechasse, L.C.
Morrison, Joseph Curran.....	York, West Riding, U.C.
Nelson, Wolfred.....	Richelieu, L.C.
Notman, William.....	Middlesex, U.C.
Papineau, Louis Joseph.....	St. Maurice, L.C.
Perry, Peter <sup>3</sup> .....	York, East, U.C.
Polette, Antoine.....	Three Rivers, L.C.
Price, James Hervey.....	York, South Riding, U.C.
Prince, John.....	Essex, U.C.
Richards, William Buell.....	Leeds, U.C.
Robinson, William Benjamin.....	Simcoe, U.C.
Ross, Dunbar <sup>4</sup> .....	Megantic, L.C.
Sanborn, John Sewell <sup>5</sup> .....	Sherbrooke, County, L.C.
Sauvageau, Tancrede.....	Huntingdon, L.C.
Scott, John.....	Bytown, U.C.
Scott, William Henry.....	Two Mountains, L.C.
Seymour, Benjamin.....	Lennox and Addington, U.C.
Sherwood, George.....	Brockville, U.C.
Sherwood, Henry.....	Toronto, City, U.C.
Smith, Harmanus.....	Wentworth, U.C.
Smith, Henry.....	Frontenac, U.C.
Smith, James.....	Durham, U.C.
Stevenson, David Barker.....	Prince Edward, U.C.
Taché, Etienne Paschal.....	Rimouski, L.C.
Thompson, David.....	Haldimand, U.C.
Viger, Louis Michel.....	Terrebonne, L.C.
Watts, Robert Nugent.....	Drummond, L.C.
Wilson, John.....	London, U.C.

- 
1. Hopkins was elected on 18 March 1850, replacing J. Wetenhall, who was appointed Asst. Commissioner of Public Works on 2 February 1850.
  2. Lacoste was elected on 25 September 1849, to replace P. Beaubien, who was appointed Gaol Physician, Montreal, on 31 July 1849.

3. Perry was elected on 4 December 1849, replacing W. Blake, who was appointed Chancellor, U.C., on 1 October 1849.
4. Ross was elected on 9 March 1850, replacing D. Daly who had resigned and left Canada, leaving Megantic unrepresented in 1849.
5. Sanborn was elected on 9 March 1850, replacing A.T. Galt, who resigned after having been elected on 17 April 1849, after the death on 22 March 1849 of incumbent S. Brooks.

TUESDAY, 14 MAY 1850.

(1)

Message to  
attend His  
Excellency.

A MESSAGE from His Excellency the Governor General, by  
Frederick Starr Jarvis, Esquire, Gentleman Usher of the  
Black Rod:

Mr. Speaker,

His Excellency the Governor General desires the immediate attendance of this  
Honorable House in the Legislative Council Chamber.

Accordingly, Mr. Speaker, with the House, went to the Council Chamber:--And  
being returned;

Writs issued in  
the Recess.

Mr. Speaker acquainted the House, That during the Recess  
he had issued his Warrants to the Clerk of the Crown in  
Chancery, to make out new Writs for the election of Members  
to serve in the present Provincial Parliament, in the room of Members whose seats  
had become vacant; and that the Clerk of this House had received from the Clerk of  
the Crown in Chancery the following Certificates of Returns of Members elected  
upon the said new Writs:--

Certificate of  
the Return of  
Mr. Lacoste  
for Chambly.

Province of Canada.

Office of the Clerk of the Crown in Chancery,  
Montreal, 26th September, 1849.

This is to certify, that in virtue of a Writ of Election,  
dated the fourth day of September, instant, issued by His  
Excellency the Governor General, and directed to the Registrar of the County of  
Chambly, (Thomas Austin, Esquire,) Returning Officer, *ex-officio*, for the said  
County, for the election of one Member to represent the said County of Chambly in  
the present Parliament, in the room of Pierre Beaubien, Esquire, who, since his  
election as Representative of the same, had vacated his seat, by his acceptance  
of an office of profit and emolument under the Crown, to wit, that of Physician  
and Surgeon to the Montreal Gaol, Louis Lacoste, Esquire, has been returned as  
duly elected accordingly, as appears by the return to the said Writ, dated the  
twenty-fifth day of September instant, which is lodged of record in my office.

FELIX FORTIER, C.C.C.

To W.B. Lindsay, Esquire, Clerk of the Legislative Assembly.

Certificate of  
the Return of  
Mr. Perry for  
the East Riding  
of York.

Province of Canada.

Office of the Clerk of the Crown in Chancery,  
Toronto, 7th December, 1849.

This is to certify, that in virtue of a Writ of Election,  
dated the nineteenth day of November last, issued by His  
Excellency the Governor General, and directed to Francis  
Leys, of Pickering, Esquire, specially appointed Returning Officer for the East  
Riding of the County of York, for the election of one Member to represent the said  
East Riding of the County of York in the present Parliament, in the room of William  
Hume Blake, Esquire, who, since his election as Representative of the same, had  
vacated his seat, by his acceptance of an office of profit and emolument under the  
Crown, to wit, that of Chancellor of Upper Canada, Peter Perry, Esquire, has been  
returned as duly elected accordingly, as appears by the return to the said Writ,  
dated the fourth day of December instant, which is lodged of record in my office.

FELIX FORTIER, C.C.C.

To W.B. Lindsay, Esquire, Clerk of the Legislative Assembly.

Certificate of  
the Return of  
Mr. J.S. Macdonald  
for Glengarry.

Province of Canada.

Office of the Clerk of the Crown in Chancery.  
Toronto, 19th January, 1850.

This is to certify, that in virtue of a Writ of Election,



dated the twenty-eighth day of December, one thousand eight hundred and forty-nine, issued by His Excellency the Governor General, and directed to Donald McNicol, of Charlottenburgh, Esquire, specially appointed Returning Officer for the County

(2)

of Glengary, for the election of one Member to represent the said County of Glengary in the present Parliament, in the room of John Sanfield Macdonald, Esquire, who, since his election as Representative of the same, had vacated his seat, by his acceptance of an office of profit and emolument under the Crown, to wit, that of Her Majesty's Solicitor General for Upper Canada, John Sanfield Macdonald, Esquire, has been returned as duly elected accordingly, as appears by the return to the said Writ, dated the eleventh day of January instant, which is lodged of record in my office.

FELIX FORTIER, C.C.C.

To W.B. Lindsay, Esquire, Clerk of the Legislative Assembly.

Certificate of the  
Return of Mr.  
Wilson for London.

Province of Canada.

Office of the Clerk of the Crown in Chancery,  
Toronto, 28th January, 1850.

This is to certify, that in virtue of a Writ of Election dated the twenty-first day of December, one thousand eight hundred and forty-nine, issued by His Excellency the Governor General, and directed to the High Sheriff of the District of London, (James Hamilton, Esquire,) for the election of one Member to represent the Town of London in the present Parliament, in the room of John Wilson, Esquire, who, since his election had resigned and vacated his seat, the said John Wilson, Esquire, has been returned as duly elected accordingly, as appears by the return to the said Writ, dated the twenty-first day of January, instant, which is lodged of record in my office.

FELIX FORTIER, C.C.C.

To W.B. Lindsay, Esquire, Clerk of the Legislative Assembly.

Certificate of the  
Return of Mr.  
Chabot for Quebec.

Province of Canada.

Office of the Clerk of the Crown in Chancery,  
Toronto, 15th February, 1850.

This is to certify, that in virtue of a Writ of Election, dated the second day of January, one thousand eight hundred and fifty, issued by His Excellency the Governor General, and directed to the Sheriff of the District of Quebec, for the election of one Member to represent the City of Quebec in the present Parliament, in the room of Jean Chabot, Esquire, who, since his election as Representative of the same, had vacated his seat, by his acceptance of an office of profit and emolument under the Crown, to wit, that of Her Majesty's Chief Commissioner of Public Works of this Province, the Honorable Jean Chabot, has been returned as duly elected accordingly, as appears by the return to the said Writ, dated the twenty-ninth day of January, one thousand eight hundred and fifty, which is lodged of record in my office.

FELIX FORTIER, C.C.C.

To W.B. Lindsay, Esquire, Clerk of the Legislative Assembly.

Certificate of the  
Return of Mr.  
Sanborn for  
Sherbrooke.

Province of Canada.

Office of the Clerk of the Crown in Chancery,  
Toronto, 21st March, 1850.

This is to certify, that in virtue of a Writ of Election, dated the fifth day of February, one thousand eight hundred and fifty, issued by His Excellency the Governor General, and directed to the Registrar of the County of Sherbrooke, (William Ritchie, Esquire,) for the election of one Member to represent the said County in the present Parliament, in the room of Alexander Tilloch Galt, Esquire, who since his election as Representative of the same, had vacated his seat by his resignation thereof, John

Sewall Sanborn, Esquire, has been returned as duly elected accordingly, as appears by the return to the said Writ, dated the ninth day of March, in the year of Our Lord one thousand eight hundred and fifty, which is lodged of record in my office.

FELIX FORTIER, C.C.C.

To W. B. Lindsay, Esquire, Clerk of the Legislative Assembly.

Certificate of  
the Return of  
Mr. Hopkins  
for Halton.

Province of Canada.

Office of the Clerk of the Crown in Chancery,

Toronto, 1st April, 1850.

This is to certify, that in virtue of a Writ of Election, dated the eleventh day of February, one thousand eight hundred and fifty, issued by His Excellency the Governor General, and directed to the Registrar of the County of Halton, (Thomas Racey, Esquire,) for the election of one Member to represent the said County of Halton in the present Parliament, in the room of John Wetenhall, Esquire, who, since his election as Representative of the same, had vacated his seat, by his acceptance of an office of profit and emolument under the Crown, to wit, that of Her Majesty's Assistant Commissioner of Public Works of this Province, Caleb Hopkins, Esquire, has been returned as duly elected accordingly, as appears by the return to the said Writ, dated the eighteenth day of March, one thousand eight hundred and fifty, which is lodged of record in my office.

FELIX FORTIER, C.C.C.

To W.B. Lindsay, Esquire, Clerk of the Legislative Assembly.

Certificate of  
the Return of  
Mr. Merritt  
for Lincoln.

Province of Canada.

Office of the Clerk of the Crown in Chancery,

Toronto, 9th May, 1850.

This is to certify, that in virtue of a Writ of Election, dated the twentieth day of April, one thousand eight hundred and fifty, issued by His Excellency the Governor General, and directed to the Sheriff of the united Counties of Lincoln, Haldimand and Welland, for the election of one Member to represent the County of Lincoln in the present Parliament, in the room of William Hamilton Merritt, Esquire, who, since his election as Representative of the same, had vacated his seat, by his acceptance of an office of profit and emolument under the Crown, to wit, that of Chief Commissioner of the Public Works of the Province of Canada, William Hamilton Merritt, Esquire, has been returned as duly elected accordingly, as appears by the return to the said Writ, dated the fourth day of May, one thousand eight hundred and fifty, which is lodged of record in my office.

FELIX FORTIER, C.C.C.

To W.B. Lindsay, Esquire, Clerk of the Legislative Assembly.

Certificate of  
the Return of  
Mr. Ross for  
Megantic.

Province of Canada.

Office of the Clerk of the Crown in Chancery,

Toronto, 14th May, 1850.

This is to certify, that in virtue of a Writ of Election, dated the twenty-sixth day of March, one thousand eight hundred and fifty, issued by His Excellency the Governor General, and directed to the Registrar of the Second Registration District of the County of Megantic, for the election of one Member to represent the said County of Megantic in the present Parliament, in the room of the Honorable Dominick Daly, Esquire, who, since his election as Representative of the same, had vacated his seat, by his acceptance of an office of profit and emolument under the Crown, to wit, that of Commissioner to enquire into the rights of the Crown in the New Forest and

(3)

Waltham Forest, in that part of the United Kingdom of Great Britain and Ireland called England, Dunbar Ross, Esquire, has been returned as duly elected accordingly,



as appears by the return to the said Writ, dated the first day of May, instant, which is lodged of record in my office.

FELIX FORTIER, C.C.C.

To W.B. Lindsay, Esquire, Clerk of the Legislative Assembly.

Members take  
their Seats.

The Honorable Jean Chabot, Member for the City of Quebec;  
John Sewall Sanborn, Esquire, Member for the County of  
Sherbrooke; Caleb Hopkins, Esquire, Member for the County  
of Halton; and the Honorable William Hamilton Merritt, Member for the County of  
Lincoln, having previously taken the Oath according to law, and subscribed before  
the Commissioners the Roll containing the same, took their seats in the House.

Justices of the  
Peace Oath of  
Office Bill.

Ordered, That the Honorable Mr. Attorney General Baldwin  
have leave to bring in a Bill to provide for the admin-  
istration of the Oath of Office to persons appointed  
to be Justices of the Peace in this Province.

He accordingly presented the said Bill to the House, and the same was received  
and read for the first time; and ordered to be read a second time.

Mr. Speaker re-  
ports His Excel-  
lency's Speech.

Mr. Speaker reported, That when the House did attend  
His Excellency the Governor General this day, in the Legis-  
lative Council Chamber, His Excellency was pleased to make  
a Speech to both Houses of the Provincial Parliament, of  
which Mr. Speaker said he had, to prevent mistakes, obtained a copy, which he read  
to the House, as followeth:--

Honorable Gentlemen of the Legislative Council, Gentlemen of the Legislative Assembly,

I deeply regret to have to announce to you the death of the Queen Dowager, a  
Princess whose many virtues endeared her to all classes of Her Majesty's subjects.

The occurrences of the past year, and the necessity which had arisen for  
providing suitable accommodation for Parliament while in Session, having imposed  
on me the duty of considering during the Recess, the important subject embraced in  
the Address of the Legislative Assembly of last Session, relating to the places  
for holding the future Meetings of the Legislature, I have deemed it, after full  
deliberation, advisable to give effect to the prayer of that Address by summoning  
you to meet at this place.

The important changes recently made in the Imperial Navigation Laws, and the  
improvements effected in the Provincial Canals, will, I trust, tend to promote  
materially the commerical interests of the Province, and to attract to the route  
of the St. Lawrence a considerable portion of the Emigration from Europe to this  
Continent.

It affords me much gratification to be enabled to inform you, that recent ad-  
vices from England indicate a marked improvement in the value of Canadian securi-  
ties in the British market. Your deliberations will, I feel satisfied, have a  
tendency to encourage the reviving confidence.

I am very sensible of the great importance to these Colonies of placing the  
trade between the British North American Provinces on the most unrestricted foot-  
ing. I have been in communication during the Recess, upon this subject, with the  
Lieutenant-Governors of Nova Scotia, New Brunswick, and Prince Edward Island, and  
with the Governor of Newfoundland. I recommend to your consideration the expediency  
of giving such powers to this Government, as may enable to it meet the advances of  
the Sister Colonies in a liberal spirit.

The Act passed last Session for the establishment of reciprocal free trade  
between Canada and the United States in certain articles the natural products of  
each, has not yet come into operation. I am informed that a corresponding measure  
is now under the consideration of the Congress of the United States.

By an Act passed during the last Session of the Imperial Parliament the entire  
control of the internal Posts in British North America is vested in the Provincial  
authorities. Whatever further action on the part of the Canadian Legislature may



be necessary in order to secure for the inhabitants of these Provinces the benefits of a cheap and uniform postage rate, you will, I feel confident, be prepared to adopt.

The expediency of effecting an encrease in the Parliamentary Representation of the Province will probably again engage your attention.

A measure will be submitted for your consideration founded on the Report of the Commissioners appointed to enquire into the conduct, discipline, and management of the Provincial Penitentiary. The encreasing wealth and population of the Province, and the growing aversion to capital punishment, render it highly important that the system of discipline established in the Provincial Penitentiary and Gaols should be made as far as possible effectual for the prevention of crime and the reformation of offenders.

I shall lay before you communications from Her Majesty's Commissioners for the promotion of the Exhibition of the Works of Industry of all Nations to be held in London in 1851, which have been transmitted to me by the Principal Secretary of State for the Colonies. I venture to express the hope that Canadian industry and produce will be fittingly represented on that interesting occasion.

In pursuance of the Act of last Session, the practice and proceedings in the Court of Chancery in Upper Canada have been placed upon an improved footing calculated to facilitate the business of the Court, and lessen expense to suitors. I shall direct copies of the Rules which have been promulgated for this purpose to be laid before you.

I would recommend as of analogous, and perhaps even equal importance, the consideration of the jurisdiction and practice of the Inferior Courts in that part of the Province, with a view to the extension of their sphere of usefulness, and the lessening as much as possible the expense of litigation.

The regulation of Municipalities, and the construction of Gaols and Court Houses in Lower Canada, and the laws for the selection and return of Jurors, and those for the Assessment of property for local purposes in Upper Canada, are among the subjects which will doubtless engage your attention.

Gentlemen of the Legislative Assembly,

I shall direct the Public Accounts, with the Estimates for the year, to be laid before you.

I recommend to your attention an enquiry into the Revenue and Expenditure of the Province.

I rely on your readiness to grant the Supplies which are necessary for the public service, and for the maintenance of the Provincial credit.

Honorable Gentlemen, and Gentlemen,

I have deemed it to be my duty, in the exercise of the Prerogative with which I am entrusted, to mark Her Majesty's disapprobation of the course taken by persons holding Commissions at the pleasure of the Crown who have formally avowed the desire to bring about the separation of this Province from the Empire of which it is a part.

The views put forward by these persons and by those who act with them, do not, I have reason to believe, find favor with any considerable portion of Her Majesty's Canadian subjects.

(4)

The great majority of the people of the Province have given at this conjecture proofs, not to be mistaken, of loyalty to the Queen and attachment to the connection with Great Britain.

They look to their own Parliament for the redress of grievances which may be proved to exist, and for the adoption of such measures of improvement as may be calculated to promote their happiness and prosperity.

I feel assured that the confidence placed by them in the wisdom of Parliament will be justified by your acts: and that, while you deal unsparingly with abuses,

you will not barter away for novelties, rights dear to British subjects, nor abandon those principles of good faith, morality, and constitutional freedom, the strict adherence to which has enabled Great Britain, with God's blessing, to pass unscathed through many perils.<sup>1</sup>

MR. AT. GEN. BALDWIN<sup>2</sup> said, if it suited the convenience of members, he should propose to consider the answer to the address on Friday.<sup>3</sup>

COL. PRINCE said it was just as well to name an early day, there being so little in the speech to consider about.<sup>4</sup>

(4)

On motion of the Honorable Mr. Attorney General Baldwin, seconded by the Honorable Mr. Attorney General Lafontaine,

Speech to be considered.

Ordered, That the Speech of His Excellency the Governor General, delivered this day to both Houses of the Provincial Legislature, be taken into consideration on

Friday next.

Petitions brought up.

The following Petitions were severally brought up, and laid on the table:--

By Mr. Prince,--The Petition of R.S. Woods, Esquire, and others, Barristers, and others, of the Township of Sandwich, County of Essex; and the Petition of Fabien Parent and Antoine Ouellette, of the Town of Sandwich, County of Essex.

By Mr. Jobin,--The Petition of the Reverend E. LeBlond and others, of the Parish of St. Raphael de l'Isle Bizard; and the Petition of the Reverend J.B. St. Germain, of the Parish of St. Laurent, County of Montreal.

On motion of Mr. DeWitt, seconded by Mr. Christie,

Postage on Letters to and from Members.

Ordered, That the Clerk do charge to the Contingencies of the House, the Postage on all Letters not exceeding one ounce in weight, and on printed papers, to and from Members of this House, during the present Session: provided that when Petitions to this House are enclosed, the Postage thereon shall be charged without restriction as to weight.

On motion of the Honorable Mr. Attorney General Baldwin, seconded by the Honorable Mr. Attorney General Lafontaine,

Votes and Proceedings to be printed.

Ordered, That the Votes and Proceedings of this House be printed, being first perused by Mr. Speaker; and that he do appoint the printing thereof; and that no person but such as he shall appoint do presume to print the same.

MR. AT. GEN. BALDWIN<sup>5</sup> moved the appointment of a Committee to nominate the Sessional Committees.<sup>6</sup>

MR. SHERWOOD remarked that it would be well to include a Committee on Railroads and Telegraph lines, which Mr. Baldwin had omitted.<sup>7</sup>

MR. AT. GEN. BALDWIN consented, and altered his motion accordingly.<sup>8</sup>

(4)

Standing Committees to be appointed.

Resolved, That Select Standing Committees of this House for the present Session, be appointed for the following purposes:--

1. On Privileges and Elections.
2. On Expiring Laws.
3. On Railroads and Telegraph Lines.
4. On Miscellaneous Private Bills.

5. *On Standing Orders.*

6. *On Printing.*

7. *On Contingencies.*

*which said Committees shall severally be empowered to examine and enquire into all such matters and things as may be referred to them by the House, and to report from time to time their observations and opinions thereon; with power to send for persons, papers, and records.*

SIR A. MACNAB asked if all parties were represented in the Committee? (hear, hear).<sup>9</sup>

MR. AT. GEN. BALDWIN replied, as far as he knew.--(Laughter.)<sup>10</sup>

SIR A. MACNAB--Clear grits and all?<sup>11</sup>

MR. AT. GEN. BALDWIN--Yes.<sup>12</sup>

(4)

*Then, on motion of the Honorable Mr. Attorney General Baldwin, seconded by the Honorable Mr. Price,*

*The House adjourned.*



APPENDIX: 14 MAY 1850.

((NOTICE OF QUESTION RE: CLERGY RESERVES AND RECTORIES.))<sup>13</sup>

MR. MORRISON gave notice that he would on a future day, inquire of the Ministry whether it was their intention to introduce a Bill on the Clergy Reserve question, during the present Session.<sup>14</sup> (Hear, hear.)<sup>15</sup>

MR. COM. CR. LANDS PRICE, in reply, professed his readiness to answer the enquiry now, he<sup>16</sup> informed the hon. gentleman that it was his intention to take up that subject as soon as possible, after the Speech from the Throne had been answered.<sup>17</sup>

Hear, hear from the Opposition benches.<sup>18</sup>

MR. COM. CR. LANDS PRICE: It was also his intention to take up the Rectory question. (Hear, hear.)<sup>19</sup>

MR. H. SHERWOOD.--Was it the hon. Member's intention to bring in his Bill as a Ministerial measure?<sup>20</sup>

MR. COM. CR. LANDS PRICE.--No. He would not on his own individual responsibility.<sup>21</sup>

Cheers from the Opposition.<sup>22</sup>

((NOTICE OF MOTION RE: ABOLITION OF COURT OF CHANCERY.))<sup>23</sup>

COL. PRINCE gave notice of his intention forthwith to "abolish the Court of Chancery," and also presented a petition from two tax-gatherers to collect £9 arrears of taxes.<sup>24</sup> (Ecoutez, écoutez.)<sup>25</sup>

((NOTICE OF MOTION RE: REPEAL OF USURY LAWS.))<sup>26</sup>

MR. H. SHERWOOD gave notice that he would bring in a Bill to modify or repeal the Usury Laws in this Province.<sup>27</sup>

((NOTICE OF MOTION RE: COURT OF REQUESTS.))<sup>28</sup>

MR. H. SHERWOOD gave notice of ... ((a bill)) for the consolidation of laws respecting Courts of Requests<sup>29</sup>.

((NOTICE OF MOTION RE: JURY LAWS.))<sup>30</sup>

M. H. SHERWOOD a donné avis qu'il proposerait de changer la loi du jury, en matière civile, de manière à ce qu'il faille dorénavant 8 voix sur 12, pour un verdict légal.<sup>31</sup>

((NOTICE OF MOTION RE: COMMON CARRIERS.))<sup>32</sup>

MR. H. SHERWOOD gave notice of ... ((a bill)) for an alteration in the law with respect to common carriers<sup>33</sup>.

((NOTICE OF MOTION RE: UNNECESSARY COSTS ON PROMISSORY NOTES.))<sup>34</sup>

MR. M. CAMERON (of Kent) ((gave notice of a)) Bill to repeal the Promissory Note Act of last Session<sup>35</sup>, and to prevent the recovery of unnecessary costs on promissory notes.<sup>36</sup>

((NOTICE OF MOTION RE: BILLS OF EXCHANGE.))<sup>37</sup>

MR. H. SHERWOOD ... gave ((notice)) of motion for the reformation of ... Bills of Exchange<sup>38</sup>.

((NOTICE OF MOTION RE: OFFICIAL SALARIES AND EXPENDITURE.))<sup>39</sup>

MR. CHRISTIE gave notice of a motion for a general retrenchment of official salaries and expenditure; (hear, hear)<sup>40</sup>.

((NOTICE OF MOTION RE: LIMITING LAW OFFICERS TO THEIR LEGAL DUTIES.))<sup>41</sup>

MR. CHRISTIE gave notice of a motion ... for limiting the law officers of the Crown to their legal duties; (hear, hear)<sup>42</sup>.

((NOTICE OF MOTION RE: ELECTIVE LEGISLATIVE COUNCIL.))<sup>43</sup>

MR. CHRISTIE gave notice of a motion ... for the adoption of an elective legislative council; (hear, hear).<sup>44</sup>

((NOTICE OF MOTION RE: EXCLUDING GOVERNMENT OFFICE HOLDERS FROM LEGISLATIVE COUNCIL.))<sup>45</sup>

MR. CHRISTIE gave notice of a motion ... for incapacitating persons holding office under Government from sitting in the Legislative Council. He wished it to be understood that he intended to press for a division on all these measures.<sup>46</sup>

((NOTICE OF MOTION RE: REDUCTION OF LAW EXPENSES.))<sup>47</sup>

MR. H. BOULTON gave notice of a bill to alter, simplify and amend the Practice of the Law, and to diminish Law expenses.<sup>48</sup>

((NOTICE OF MOTION RE: BILL TO PROHIBIT SPENDING OF PUBLIC FUNDS BY GOVERNMENT WITHOUT AUTHORITY OF A LAW.))<sup>49</sup>

MR. H. BOULTON ((gave notice of)) a bill to prohibit the expenditure of Public Moneys for purposes not previously authorized by law, and to limit the granting of Pensions.<sup>50</sup>

((NOTICE OF MOTION RE: TEMPERANCE.))<sup>51</sup>

MR. M. CAMERON proposera ... à la chambre un bill de tempérance semblable à peu près à celui tout récemment passé par la législature du Wisconsin.<sup>52</sup>

((NOTICE OF MOTION RE: BILL TO PREVENT OFFICES BEING CREATED AND FILLED BY SAME PERSON.))<sup>53</sup>

SIR A. MACNAB gave notice of his intention to introduce a bill to prevent parties being appointed to offices which they themselves had created.<sup>54</sup>

((NOTICE OF MOTION RE: BILL TO ABOLISH THE LAW OF PRIMOGENITURE IN UPPER CANADA.))<sup>55</sup>

MR. MORRISON gave notice that he would introduce a Bill to abolish the Law of Primogeniture in Upper Canada.<sup>56</sup>

((NOTICE OF MOTION RE: BILL ON RETAILING SPIRITUOUS LIQUORS.))

MR. M. CAMERON (of Kent) ((gave notice of a)) Bill on the subject of Retailing Spirituous Liquors.<sup>57</sup>

((NOTICE OF MOTION RE: BILL TO PROTECT WIDOWS AND ORPHANS.))

MR. M. CAMERON (of Kent) ((gave notice of a)) Bill to protect the property of Widows and Orphans from Judgment Creditors, and to protect the Homesteads of Insolvent families.<sup>58</sup>

FOOTNOTES: 14 MAY 1850.

1. According to MONTREAL GAZETTE, 18 May 1850, "The speech was read first in English, and then hurriedly in French."
2. The following papers reported the debate on this motion in identical accounts: HAMILTON SPECTATOR, 18 May 1850, copied from GLOBE, 16 May 1850, BRITISH WHIG, 18 May 1850, MONTREAL TRANSCRIPT, 18 May 1850, and MORNING CHRONICLE, 21 May 1850.
3. BRITISH WHIG, 18 May 1850.
4. IBID.
5. The following papers reported the exchange on this motion in identical accounts: BRITISH WHIG, 18 May 1850, HAMILTON SPECTATOR, 18 May 1850, copied from GLOBE, 16 May 1850, MONTREAL TRANSCRIPT, 18 May 1850, and MORNING CHRONICLE, 21 May 1850. The debate was also reported by: BRITISH WHIG, 23 May 1850, copied from MIRROR, of unknown date.
6. BRITISH WHIG, 18 May 1850.
7. IBID.
8. IBID.
9. IBID.
10. IBID.
11. IBID.
12. IBID.
13. The following papers reported the debate on this notice in identical accounts: BRITISH WHIG, 18 May 1850, MONTREAL TRANSCRIPT, 18 May 1850, and MORNING CHRONICLE, 21 May 1850. The following papers reported the debate in partially identical accounts: HAMILTON SPECTATOR, 18 May 1850, copied from GLOBE, 16 May 1850, ST. CATHARINES JOURNAL, 22 May 1850, KENT ADVERTISER, 23 May 1850, BATHURST COURIER, 24 May 1850, and PACKET, 25 May 1850. The debate was also reported by: BRITISH WHIG, 15 May 1850; PILOT, 18 May 1850; JOURNAL DE QUEBEC, 16, 18 May 1850; LA MINERVE, 16, 20 May 1850; and L'AVENIR, 25 May 1850. Commentaries appeared in: HAMILTON SPECTATOR, 18 May 1850, copied from GLOBE, 16 May 1850; ST. CATHARINES JOURNAL, 22 May 1850; JOURNAL DE QUEBEC, 16 May 1850; LA MINERVE, 16, 20 May 1850; and L'AVENIR, 25 May 1850.
14. HAMILTON SPECTATOR, 18 May 1850.
15. BRITISH WHIG, 18 May 1850.
16. PILOT, 18 May 1850.
17. HAMILTON SPECTATOR, 18 May 1850, which mistakenly identified the speaker as Mr. Prince.
18. HAMILTON SPECTATOR, 18 May 1850.
19. IBID., which mistakenly identified the speaker as Mr. Prince.
20. HAMILTON SPECTATOR, 18 May 1850.
21. IBID., which mistakenly identified the speaker as Mr. Prince.
22. HAMILTON SPECTATOR, 18 May 1850.
23. The following papers reported this notice in identical accounts: HAMILTON SPECTATOR, 18 May 1850, copied from GLOBE, 16 May 1850, ST. CATHARINES JOURNAL, 22 May 1850, KENT ADVERTISER, 23 May 1850, BATHURST COURIER, 24 May 1850, PACKET, 25 May 1850; BRITISH WHIG, 18 May 1850, MONTREAL TRANSCRIPT, 18 May 1850, and MORNING CHRONICLE, 21 May 1850. The notice was also reported by: PILOT, 18 May 1850; BRITISH WHIG, 23 May 1850, copied from MIRROR, of unknown date; JOURNAL DE QUEBEC, 18 May 1850; LA MINERVE, 20 May 1850; and L'AVENIR, 25 May 1850. A commentary in BRITISH WHIG, 23 May 1850, noted: "The Contingent Committee had better pay the said £9, or the country will have to pay the members £90 for discussing the question. Is there no way of settling this matter of £9 taxes, than asking 90 gentlemen to legislate about it?"



24. BRITISH WHIG, 23 May 1850.
25. L'AVENIR, 25 May 1850.
26. The following papers reported this notice in identical accounts: HAMILTON SPECTATOR, 18 May 1850, copied from GLOBE, 16 May 1850, ST. CATHARINES JOURNAL, 22 May 1850, KENT ADVERTISER, 23 May 1850, BATHURST COURIER, 24 May 1850, PACKET, 25 May 1850; BRITISH WHIG, 18 May 1850, MONTREAL TRANSCRIPT, 18 May 1850, MORNING CHRONICLE, 21 May 1850; MONTREAL TRANSCRIPT, 21 May 1850, and BRITISH WHIG, 23 May 1850, both copied from MIRROR, of unknown date. The notice was also reported by: LA MINERVE, 20 May 1850; and L'AVENIR, 25 May 1850.
27. HAMILTON SPECTATOR, 18 May 1850.
28. The following papers reported this notice in identical accounts: BRITISH WHIG, 18 May 1850, MONTREAL TRANSCRIPT, 18 May 1850, MORNING CHRONICLE, 21 May 1850; MONTREAL TRANSCRIPT, 21 May 1850, and BRITISH WHIG, 23 May 1850, copied from MIRROR, of unknown date.
29. BRITISH WHIG, 18 May 1850.
30. The following papers reported this notice in identical accounts: BRITISH WHIG, 18 May 1850, MONTREAL TRANSCRIPT, 18 May 1850, MORNING CHRONICLE, 21 May 1850; MONTREAL TRANSCRIPT, 21 May 1850, and BRITISH WHIG, 23 May 1850, copied from MIRROR, of unknown date. The notice was also reported by: JOURNAL DE QUEBEC, 18 May 1850; and LA MINERVE, 20 May 1850.
31. JOURNAL DE QUEBEC, 18 May 1850.
32. The following papers reported this notice in identical accounts: BRITISH WHIG, 18 May 1850, MONTREAL TRANSCRIPT, 18 May 1850, MORNING CHRONICLE, 21 May 1850; MONTREAL TRANSCRIPT, 21 May 1850, and BRITISH WHIG, 23 May 1850, copied from MIRROR, of unknown date.
33. BRITISH WHIG, 18 May 1850.
34. The following papers reported this notice in identical accounts: BRITISH WHIG, 18 May 1850, MONTREAL TRANSCRIPT, 18 May 1850, and MORNING CHRONICLE, 21 May 1850. The notice was also reported by: MORNING CHRONICLE, 22 May 1850; JOURNAL DE QUEBEC, 18 May 1850; and LA MINERVE, 20 May 1850.
35. MORNING CHRONICLE, 22 May 1850.
36. BRITISH WHIG, 18 May 1850.
37. The following papers reported this notice in identical accounts: MONTREAL TRANSCRIPT, 21 May 1850, and BRITISH WHIG, 23 May 1850, copied from MIRROR, of unknown date.
38. BRITISH WHIG, 23 May 1850, which added that after giving his notices he "looked pleased with himself and everybody else."
39. The following papers reported this notice in identical accounts: BRITISH WHIG, 18 May 1850, MONTREAL TRANSCRIPT, 18 May 1850, MORNING CHRONICLE, 21 May 1850; MONTREAL TRANSCRIPT, 21 May 1850, and BRITISH WHIG, 23 May 1850, copied from MIRROR, of unknown date.
40. BRITISH WHIG, 18 May 1850.
41. The following papers reported this notice in identical accounts: BRITISH WHIG, 18 May 1850, MONTREAL TRANSCRIPT, 18 May 1850, MORNING CHRONICLE, 21 May 1850; MONTREAL TRANSCRIPT, 21 May 1850, and BRITISH WHIG, 23 May 1850, copied from MIRROR, of unknown date.
42. BRITISH WHIG, 18 May 1850.
43. The following papers reported this notice in identical accounts: BRITISH WHIG, 18 May 1850, MONTREAL TRANSCRIPT, 18 May 1850, MORNING CHRONICLE, 21 May 1850; MONTREAL TRANSCRIPT, 21 May 1850, and BRITISH WHIG, 23 May 1850, copied from MIRROR, of unknown date.
44. BRITISH WHIG, 18 May 1850.
45. The following papers reported this notice in identical accounts: BRITISH WHIG, 18 May 1850, MONTREAL TRANSCRIPT, 18 May 1850, MORNING CHRONICLE, 21 May 1850; MONTREAL TRANSCRIPT, 21 May 1850, and BRITISH WHIG, 23 May 1850,

copied from MIRROR, of unknown date.

46. BRITISH WHIG, 18 May 1850.
47. The following papers reported this notice in identical accounts: HAMILTON SPECTATOR, 18 May 1850, copied from GLOBE, 16 May 1850, ST. CATHARINES JOURNAL, 22 May 1850, KENT ADVERTISER, 23 May 1850, BATHURST COURIER, 24 May 1850, and PACKET, 25 May 1850. The notice was also reported by: BRITISH WHIG, 18 May 1850; and L'AVENIR, 25 May 1850.
48. BRITISH WHIG, 18 May 1850.
49. This notice was reported by: BRITISH WHIG, 18 May 1850; PILOT, 21 May 1850; ST. CATHARINES JOURNAL, 22 May 1850; and L'AVENIR, 25 May 1850. A commentary appeared in PILOT, 21 May 1850.
50. BRITISH WHIG, 18 May 1850.
51. This notice was reported by: JOURNAL DE QUEBEC, 18 May 1850; and LA MINERVE, 20 May 1850.
52. JOURNAL DE QUEBEC, 18 May 1850.
53. The following papers reported this notice in identical accounts: HAMILTON SPECTATOR, 18 May 1850, copied from GLOBE, 16 May 1850, KENT ADVERTISER, 23 May 1850, BATHURST COURIER, 24 May 1850, and PACKET, 25 May 1850. The notice was also reported in: PILOT, 18 May 1850; and BRITISH WHIG, 23 May 1850, copied from MIRROR, of unknown date.
54. BRITISH WHIG, 23 May 1850.
55. The following papers reported this notice in identical accounts: HAMILTON SPECTATOR, 18 May 1850, copied from GLOBE, 16 May 1850, ST. CATHARINES JOURNAL, 22 May 1850, KENT ADVERTISER, 23 May 1850, BATHURST COURIER, 24 May 1850, and PACKET, 25 May 1850. The notice was also reported by: BRITISH WHIG, 18 May 1850; and L'AVENIR, 25 May 1850.
56. HAMILTON SPECTATOR, 18 May 1850.
57. MORNING CHRONICLE, 22 May 1850.
58. IBID. This was also reported in BRITISH COLONIST, 31 June 1850.

WEDNESDAY, 15 MAY 1850.

(4)

Petitions  
brought up.

THE following Petitions were severally brought up, and laid on the table:--

By Mr. Duchesnay,--The Petition of Edouard Morin, Esquire, and others, Agriculturists, and others, of the Parish of St. Casimir; and the Petition of P. Benoit, Esquire, Mayor, and N. Gauthier, Secretary-Treasurer, of the Municipal Council of the County of Portneuf.

By Mr. McLean,--The Petition of George Poapst, and others, of the ninth concession of Cornwall.

By the Honorable Mr. Badgley,--The Petition of the Reverend James Jones and others, the Minister, Wardens, Members and Congregation of the Church of England, in the Township of Stanbridge, Lower Canada.

By Mr. Armstrong,--The Petition of Alexis Desautier and others, of the Parish of St. Antoine de la Rivière du Loup, County of St. Maurice.

By Mr. McConnell,--The Petition of W.G. Cook and others, Trustees of the Charleston Academy.

By Mr. Polette,--The Petition of Etienne Mayrand, Esquire, and others, of the Parish of Rivière du Loup, County of St. Maurice; the Petition of Louis Clair, President, pro tempore, and P.E. Vezina, Secretary-Treasurer, on behalf of the Municipal Council of Three Rivers; and the Petition of Louis Lampron and others, of the Town of Three Rivers.

By Mr. Dumas,--The Petition of the Corporation of the College of L'Assomption.

By Mr. Thompson,--The Petition of the Provisional Municipal Council of Kent; and the Petition of James Blake and others, of the Township of Walpole.

By Sir Allan N. MacNab,--The Petition of the Great Western Railroad Company.

By Mr. Fortier,--The Petition of the Reverend Antoine Racine and others, of Stanfold and other Townships.

By Mr. Cauchon,--The Petition of the President, Vice-President, and Directors of the Quebec and Lake Superior Mining Association.

By Mr. Christie,--The Petition of Louis Edouard Pacaud, Esquire, of the Town of Three Rivers, late Commissioner of the Court of Bankrupts for the District of Three Rivers.<sup>1</sup>

... praying that some arrears of salary should be paid him.<sup>2</sup>

The hon. gentleman, MR. CHRISTIE, said it was not his intention to take any proceedings on this petition, as he did not intend to encourage individuals who were not his constituents, to send their petitions to him, instead of their own representatives. He would therefore, refer the petition to the office of the Inspector General, in order to ascertain the reason why these arrears of salary had not been paid.<sup>3</sup>

MR. INSP. GEN. HINCKS would explain the circumstances of the case to the hon. gentleman. The Commissioner of Bankrupts at Three Rivers had formerly been remunerated by fees, and during the incumbency of the present Commissioner, he had received the fees to which he was entitled.--However, the fee system was abolished, and a regular salary was attached to the office, and now that gentleman claimed under the name of arrears, to be paid the regular salary during all the time he had been receiving the fees.<sup>4</sup> He had received all the salary he was entitled to receive.<sup>5</sup>

(4)

By Mr. Cartier,--The Petition of Louis Comte, of the City of Montreal, mason; and the Petition of J.P. DeMartigny, Esquire, and others, of the Parish of St. Hugues.

By Mr. Prince,--The Petition of Rowland Wingfield, and others, of the United



*Counties of Essex, Kent and Lambton, and others.*<sup>6</sup>

COL. PRINCE begged leave to present a petition which was of importance of itself and of interest to the country. It was not usual to make any extended remarks on introducing a petition, but on the present occasion he was induced to do so, as the document required the earliest possible attention, and that hon. members might be induced to read it carefully, particularly the Attorney General for Canada West, because at the end of the speech from the throne, there was an allusion made to that which was embraced in the petition. He probably should not have made any farther observation, if it were not for allusions which had been made with reference to the petition and himself in a paper which should be nameless; and he was further induced to do so by the remark which had frequently been made, that it was unfair on the part of the member to attack an editor where he could not be present to defend himself; while at the same time the Editor could sit in a sly corner and attack the member under similar circumstances. It had been stated in the paper to which he alluded, that a certain petition had been handed round Detroit, headed by himself and all sorts of Americans. He (Col. Prince) was desirous, therefore, that the petition should be examined, when it would be found that there were appended to it the names of persons as respectable as any on the floor of that house--quite different from what was stated in the lying paper, whose editor had become so inflated that the globe itself could not contain him. He (Col. Prince) must say that grosser falsehoods, more unprincipled statements and infamous lies, than had appeared in yesterday's paper, he had never met with. The petition had for its object to induce the House to apply to Her Majesty for the purpose of obtaining independence. He had read the petition, and solemnly declared that he concurred in what was therein stated; the best proof of which was that he had signed it himself. Members could examine its contents; they might not yield it their support, but they could not deny the facts therein stated. Having read the petition, Col. Prince concluded by saying that the present was the first petition ever presented to a British Parliament, praying for a separation from the mother country. He stood in his place and declared that he believed every word of it; the best evidence of which was that it is in his handwriting.<sup>7</sup>

The petition was then handed in at the Clerk's table, and excited no farther remark.<sup>8</sup>

(4)

*By the Honorable Mr. Cameron of Kent,--The Petition of the Provisional Municipal Council of the County of Kent; and the Petition of William Turnbull and others, of the Township of Moore, County of Lambton.*

*By Mr. Hopkins,--The Petition of Samuel Bowman and others, of the County of Halton.*

MR. H. BOULTON<sup>9</sup> gave notice of a bill to reduce Law costs.<sup>10</sup>

MR. AT. GEN. BALDWIN said that if it trenched upon the subject in the Speech from the throne he had better leave it to the Crown Officers.<sup>11</sup>

MR. H. BOULTON said it referred to the Court of Chancery.<sup>12</sup>

COL. PRINCE hoped Mr. Boulton would not postpone it.<sup>13</sup>

(4)

Law Practice  
Bill.

Ordered, That the Honorable Mr. Boulton have leave to bring in a Bill to alter, simplify and amend the Practice of the Law, and to diminish Law Expenses.

(5)

*He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time, on Thursday, the twenty-third instant.*

Expenditure of  
Public Monies.

*The Honorable Mr. Boulton moved, seconded by Mr. Hopkins, and the Question being put, That leave be given to bring in a Bill to prohibit the expenditure of Public Monies for purposes not previously authorized by Law, and to limit the granting of Pensions;*<sup>14</sup>

MR. INSP. GEN. HINCKS said he hoped the hon. gentleman would postpone his Bill till after the speech from the throne had been answered. The hon. gentleman had not explained the object he had in view in the introduction of his Bill, but judging from its title he believed it embraced a subject which was touched upon in the speech from the throne, and which would be fully investigated and discussed on a proposition to be introduced by a member of the Government.<sup>15</sup>

MR. H. BOULTON said he had no objection to postpone the second reading for the present. The hon. gentleman then went into an explanation of the principles of his Bill, but in a very low tone of voice. He said that in the year 1843, he had introduced a similar measure, for the purpose of retrenching the public expenditure--preventing the administration from expending the public monies without authority--and for the purpose of cutting down, or retrenching, the pension list.--He would persist in his motion for the first reading of the Bill.<sup>16</sup>

MR. INSP. GEN. HINCKS would then be forced, much to his regret, to divide the House on the question, for he was confident that the hon. member would find no precedent in the proceedings of the Imperial Parliament, to warrant him in the course he had taken, in bringing in a measure affecting a point touched on in the speech from the throne, before that speech was answered.<sup>17</sup> The correct course would be to wait until it was answered.<sup>18</sup> As to the expenditure of public money, he would beg to inform the hon. gentleman that the Government have no power, at the present moment, to expend a farthing of public money, without the authority of law; it was a most extraordinary thing that the hon. member should now stand up and propose such a Bill, and he supposed that there was not another Member in the House who would have taken a similar step. At the same time, the hon. member must be aware that occasions would arise when it was absolutely necessary to expend the public money without the authority of Parliament, and when it would be criminal not to do so, but the hon. gentleman also knew that they were held responsible, and were obliged to procure a vote of indemnification. He would not, however, argue the question with the hon. member; his Bill appeared to be framed for a particular object, embraced in the speech from the throne, and if the hon. member would not postpone his motion for the present, he (Mr. H.) would divide the House on it.<sup>19</sup>

SIR A. MACNAB could not understand the objection raised by the hon. Inspector General.<sup>20</sup> ((He)) did not see why members should be debarred from introducing a bill because a speech was not answered which might not be answered in a week.<sup>21</sup> If the Bill were read a first time, that was all the hon. member for Norfolk required for the present; and he would himself oppose the second reading until after the speech from the throne had been answered. He was utterly at a loss, however, to understand why the hon. member's motion should be then opposed.<sup>22</sup> The season of the year was most inconvenient for members, and<sup>23</sup> in his opinion, every means should be used by the Government to expedite business instead of throwing obstacles in the way.<sup>24</sup>

MR. COM. PUB. WORKS MERRITT would ask the House what use there could be in taking up this or any other question referred to in his Excellency's speech now, when it would come before them again, and by the appointment of a Committee to investigate the finances and public expenditure, they might expect the fullest information. It appeared to him highly absurd that the hon. member should take this step. Another hon. member might get up to-morrow with another Bill embracing

another topic, touched on in his Excellency's speech, but it appeared to him that no good result could follow such a system, and he hoped the hon. member would consent to defer his Bill, until he saw what course the Government intended to pursue.<sup>25</sup>

COL. PRINCE would ask the hon. Inspector General to point out that part of the speech which made any allusion to the subject embraced by his hon. friend's Bill. He could not discover it, nor could he discover any indecency or want of courtesy to his Excellency in taking steps to expedite the business of the country. But it appears that we have arrived at such a very refined state of civilization, that hon. gentlemen should not take a single step until his Excellency's speech was answered. Nonsense.<sup>26</sup> He, like his friend from Hamilton, was desirous of proceeding with the business of the country, and getting home as soon as possible.<sup>27</sup> Let them hurry on with their business, and not throw difficulties in the way of the hon. member, who had done nothing to deserve the censures of hon. members opposite, who did not wish to push his Bill to a second reading then, or have it debated, but merely required leave to introduce it, in order that it might be printed, and an opportunity given to other hon. members to read, mark, learn, and digest its contents.<sup>28</sup> With respect to the argument that the speech was not answered yet, there was nothing to it to argue about, except at the latter end, and they would have a little say about that and no mistake.<sup>29</sup>

MR. H. SHERWOOD concurred with the hon. member who had just spoken, that there was nothing he could find in the speech which was at all affected by his hon. friend's Bill. He could see nothing more than a customary recommendation to look into the expenditures of the public money. But, admitting that the subject was particularly alluded to, he could not see why that should prevent<sup>30</sup> any, or every member of the House<sup>31</sup> from exercising his right of introducing a Bill on that or any other subject connected with the public welfare.<sup>32</sup> It was true that until the speech was announced they could not hold communication with the Head of the Government, but that was not to silence members in going on with the business of the country.<sup>33</sup> He was not prepared to submit to any dictation on their part, as to whether he should or should not introduce any particular measure.<sup>34</sup> He protested against a custom which was growing, of the Ministry assuming to themselves to declare that they will not allow this and that they will permit that.<sup>35</sup> He had a right to introduce any question he chose, and he would resist with firmness the attempt of any minister to throw it out by his mere dictum. He therefore hoped the hon. member would not withdraw his motion. The question involved in his Bill was the platform upon which the Clear Grits had taken their stand.<sup>36</sup>

Cheers from both sides of the House.<sup>37</sup>

MR. H. SHERWOOD continued: It was the question of retrenchment which had taken hold of the public mind, and which at the election for the county of Halton had deprived a member of the Cabinet of his seat.<sup>38</sup> It was time for the House to move. The people demanded it. If the Government had any measure of the same kind, it was curious that they kept the thing so dark in the speech from the throne, where it ought to have been found.<sup>39</sup> It was, in short, that question, which, of all others, was at this moment considered the most important, by the people of this Province.<sup>40</sup>

MR. COM. CR. LANDS PRICE--Always excepting the Clergy Reserves.<sup>41</sup>

MR. H. SHERWOOD was glad that the hon. gentleman kept that in view, but the other was a still more important question, and it would not do for hon. members to come down here and say it was all humbug, as the hon. Inspector General had said in another place.<sup>42</sup>

MR. INSP. GEN. HINCKS--No, no.<sup>43</sup>

MR. H. SHERWOOD continued. He said yes, yes, for he found it stated in almost



every paper he took up, that those were the words which the hon. Inspector General made use of,<sup>44</sup> and public notoriety was good authority.<sup>45</sup> What better authority did the hon. Inspector General himself require when he turned Mr. Ferris out of office. He said then that they would not come down here and say that. Oh no. "But we will appoint a Committee to investigate the finances and public expenditure thoroughly, in order that they may make a full and satisfactory report."--<sup>46</sup> He hoped the hon. Inspector General would point out the paragraphs in the speech that referred ((to)) the subject of this bill.<sup>47</sup> And what course were they going to pursue with regard to the Clergy Reserves? He had yesterday asked the hon. Commissioner of Crown Lands if the measure he intended to introduce on that question was to be a Cabinet measure, and he was answered in the negative. It was then to be an open question, one on which the Ministry did not intend to put forth their strength. He found, however, that his remarks were somewhat irrelevant, and he would therefore revert to the question before the House and assert the right of his hon. friend to make his motion, and he hoped he would persist in it.<sup>48</sup>

MR. AT. GEN. BALDWIN said that if the hon. member for Toronto would look a little more closely at the speech from the throne, he would find a specific recommendation to look into the expenditure of the Province.<sup>49</sup>

Hear, hear, from the opposition benches.<sup>50</sup>

MR. AT. GEN. BALDWIN resumed: He understood that cheer. It showed that hon. gentlemen had not taken the trouble to look into precedents, which were no object of laughter to him, and which induced him to take the course pursued by the first statesmen of the mother country, even at the present day, and if that were a subject of derision, he was quite prepared to be laughed at in such good company. He would request the hon. member for Norfolk, who was well acquainted with the practice of the Imperial Parliament (sic), to tell him if he were wrong in asserting that the government always opposed any proposition by an individual member, of a Bill which clashed with a ministerial measure. And if it did not frequently occur that private members expressed a good deal of satisfaction when government would adopt their measures. The hon. member well knew that such things frequently occurred in the Imperial Parliament, and that members would even drop measures which they had themselves introduced in order not to embarrass the ministry,--and thus, instead of expediting, impede the public business. In fact, neither could show more clearly the inconvenience of the course adopted by the hon. member than the discussion which had taken place on his motion. He therefore hoped that the hon. member would withdraw it as a matter of courtesy, as well as for the purpose of expediting the public business, an argument which had been repeatedly urged by hon. gentlemen opposite.<sup>51</sup>

SIR A. MACNAB was astonished at the want of courtesy by the government towards the introducer of the bill, and was as much astonished at the reasons they stated for depriving the hon. gentleman of his right.<sup>52</sup> ((He)) was of opinion that the expenditure of public monies without the consent of Parliament, under the plea that ministers were responsible for their conduct, was as gross a deception as was ever practiced, particularly when it is considered in what manner they are expended, of which he would not then speak more particularly. The hon. member of the government who had just spoken, had said that the Bill which it was proposed to introduce, embraced a subject that was alluded to in the speech from the throne where reference is made to the revenue and expenditure of the Province, and therefore that its introduction would embarrass the government. They wanted a clear stage till they were prepared. He could not conceive how the introduction of this Bill would embarrass ministers.<sup>53</sup> The hon. member had a right to bring it in and lay it before the House, and if it embarrassed the Ministry neither the House nor the country would care much.<sup>54</sup> ((He)) did not think the hon. mover would have fair play

if the Bill was not permitted to pass to a third reading. He trusted the House would decide in favor of introducing the Bill, and that there would not be found a majority opposed to any action on the subject, until the Chairman of the Board of Works had introduced his measure. As to the second reading of the Bill, that might be deferred until after the answer to the message had been delivered. He hoped the House would divide upon the question; and if the government would not allow the Bill to be introduced, then the country would understand where the opposition existed.<sup>55</sup>

MR. COM. PUB. WORKS MERRITT said that the members of the government did not object to the Bill, but wished its introduction postponed, as it would only embarrass the government, while it would not promote the object which some honorable members seemed to have in view--the expediting the business of the Session.<sup>56</sup>

MR. H. BOULTON said he had no desire to embarrass the Government; the Bill had been contemplated by him for years, and had been in his desk for several months; and a member of the government when not a minister, did him the honor to second the measure; he had even heard the chairman of the Board of Works say he was in favor of a government of law, and would not leave the expenditure of public monies to the discretion of any ministry; he was therefore in favor of a Bill which created a clearly defined platform, and which should provide that the expenditure of the public monies should be prescribed by law. Would the other side say that they ought to expend the funds of the Province, and then come down and ask for the sanction of the Assembly, under the plea that they were responsible for their conduct? It was idle to say that any responsibility existed after the money was spent. He did not charge the government with improper expenditure, but this he would say that the public funds were often expended in a way in which hon. gentlemen would not spend their own. He therefore would place the expenditure under the rigid rule of Parliament. At present, he said, the purse strings are in the hands of one or two members of the government, who come down to the House for its approval of their conduct, and if this is not obtained they consider it an expression of want of confidence, when they retire, and the country is thrown into uproar. He did not propose by his Bill interfering with the speech from the throne, which recommended an enquiry into the revenue and expenditure of the country; but he proposed to lay down as a principle, that no money should be expended by the Government until Parliament had given its authority. And as to his bill embarrassing it, the House had better do so, than permit it to go on expending money unauthorizedly. Were ministers to be masters of the House, and if they chose to prevent a Bill from being introduced? If such a course were permitted, the independence of Parliament would be destroyed. The members of Parliament, he said, came there to exercise a proper influence, and see that there was a wholesome expenditure of the public monies; and it was an advantage to the government itself to be well watched. This is the third session of what is called a reform Parliament, and nothing had been done to merit that term. If the members of the government would permit the Bill to be read, they would perceive he was not so green as to suppose that no monies could be expended without a special vote; cases would occur where a discretion should be exercised. But with reference to such a contingency, the House would determine before hand the amount to be placed at the disposal of the government. At one time this was £500; but he would be disposed to vote for five or even £10,000 if it could be shown that such a sum was required. With regard to the granting of pensions, there ought to be one uniform system, and none should be granted until Parliament had decided that the party receiving it is worthy of remuneration. But he was opposed to a system which was not adopted even on the other side of the water. In conclusion he said he would appeal with confidence to the Chairman of the Board of Works not to oppose the introduction of this Bill, as he knew that hon. gentleman was in favor of public



monies being expended under the sanction of law. The Bill he repeated would not trench upon the speech from the throne, or the existing scale of expenditures; but would provide that in future no monies should be expended without the sanction of Parliament. Hon. gentlemen could not object to a Bill which compelled them to state distinctly for what purpose money was required; and he hoped the people would not be told that they were not to inquire in what manner it was expended. He did not want to see any government, no matter of what politics, expending monies without the previous sanction of Parliament. The Chairman of the Board of Works had said that a Bill could not be amended before the speech had been answered; but he had introduced a Bill on a former occasion which had been read a first time notwithstanding the opposition of the government and which after having been denuded of the obstructions they had introduced, had subsequently passed; and its operation had been a source of pride to himself and of advantage to the country. In the present instance, he said the government would not bring in the measure themselves, but say its introduction at present is inconvenient. He had no objection to postponing the consideration of it for a week; and trusted the Bill would meet with no further opposition.<sup>57</sup>

MR. COM. CR. LANDS PRICE. ((He)) was surprised at the pertinacity with which the introduction of the bill was insisted upon<sup>58</sup> ((and)) thought it strange that the hon. member for Norfolk should have bottled up his measure for seven years, and brought it forward now, just to gain three days time.<sup>59</sup> Did the hon. mover mean to say, that he would carry his Bill, notwithstanding a majority of the House were opposed to it? Does he mean to say, that the allusion to the public expenditure in the speech, is not the same as that which was contemplated in his Bill? Had the hon. gentleman four years ago taken the same<sup>60</sup> liberal<sup>61</sup> view of the subject, the country would not have been agitated from year to year by the<sup>62</sup> important question of the Clergy Reserves.<sup>63</sup>

MR. H. BOULTON would ask, if he did not at the time referred to, entertain more liberal views as Attorney-General, than many others would have done were they in his place?<sup>64</sup> (Cheers and laughter.)<sup>65</sup> If the hon. member will agree to introduce a similar Bill, he (Mr. B.) would withdraw his.<sup>66</sup>

MR. COM. CR. LANDS PRICE said, the hon. gentleman knew what the allusion to revenue and expenditure meant. Would he say the bill had no reference to the same subject as was contained in the speech from the Throne, or does his own Bill and speech contradict each other? Gentlemen on the other side must be aware, that the introduction of the Bill exhibited a want of courtesy towards the Government, and if it did not bring forward a similar measure, no one could object to its being done by any member of the House.<sup>67</sup>

MR. H. BOULTON--Will you do it?<sup>68</sup>

MR. COM. CR. LANDS PRICE would be sorry to rob the hon. gentleman of the glory of passing the Bill, which he neglected when in power to carry. But was it unreasonable to ask the deferring of its introduction. The hon. and gallant knight opposite attributed to the Government a desire to suppress investigation, and spoke of Bills, under the authority of which, only public monies can be expended; but he knew that they could not be expended without a vote of Parliament, that ministers were responsible for every expenditure, and if it were improper, a vote of want of confidence would follow, and the Ministry would be turned out--and they ought to be turned out. He did not want the hon. mover to abandon his Bill; if the Government measures do not embrace what is intended by the Bill, then he can subsequently introduce it. As to the Road Bill he (Mr. P.) would give the hon. gentleman every credit which he merited; because he wanted to be its father, the Government aided him in its passage, and as he had said it was the best Bill ever passed on the subject; it was true it was introduced before the speech from the throne was announced--



but it was two months under consideration by the Committee to which it was referred, who made something of it, and then allow the hon. gentleman to become its godfather. He (Mr. P.) put it to hon. gentlemen whether they ought not, out of common respect to the Government, to wait and see if it intended to bring forward a similar measure; or were the Government to yield to the hon. mover for the sake of three or four days. If every contemplated measure is to be brought forward in this way, where would be the saving to the public, when every Bill costs £20. The hon. and gallant knight talks of the season of the year, and says members are desirous of returning to their homes; but would this course facilitate that return? He should like to know whether the Government or members are to bring forward measures that will be conducive to the benefit of the country? Should it fail to do so, members could introduce them subsequently.<sup>69</sup>

(5)

The House divided: and the names being called for, they were taken down, as follow:--

YEAS.

Messieurs Badgley, Boulton of NORFOLK, Boulton of TORONTO, Cameron of CORNWALL, Cameron of KENT, Cayley, Christie, DeWitt, Gugy, Hopkins, Sir Allan N. MacNab, Malloch, McConnell, McLean, Papineau, Prince, Robinson, Seymour, Sherwood of BROCKVILLE, Sherwood of TORONTO, and Stevenson.--(21.)

NAYS.

Messieurs Armstrong, Attorney General Baldwin, Bell, Bouthillier, Burritt, Cartier, Cauchon, Chabot, Solicitor General Drummond, Duchesnay, Dumas, Fergusson, Flint, Fortier, Fourquin, Guillet, Hall, Hincks, Holmes, Jobin, Johnson, Attorney General LaFontaine, McFarland, Merritt, Mongenais, Morrison, Nelson, Polette, Price, Richards, Sanborn, Sauvageau, Smith of DURHAM, Smith of WENTWORTH, Taché, and Thompson.--(36.)

So it passed in the Negative.

Committee to  
prepare Lists of  
Members to com-  
pose Standing  
Committees.

Resolved, That a Select Committee of eleven Members be appointed to prepare and report, with all convenient speed, Lists of Members to compose the Standing Committees ordered by this House; and that the said Committee be composed of the Honorable Mr. Attorney General Baldwin, the Honorable Mr. Badgley, Mr. Cartier, Mr. Cauchon, Mr. Fergusson, Mr. Gugy, Mr. Jobin, Sir Allan N. MacNab, Mr. McFarland, Mr. Morrison, and Mr. DeWitt.

Then, on motion of the Honorable Mr. Attorney General Baldwin, seconded by the Honorable Mr. Attorney General LaFontaine,  
The House adjourned.

APPENDIX: 15 MAY 1850.

((NOTICE OF MOTION RE: ADDRESS TO HIS EXCELLENCY CONCERNING PAPERS  
RELATIVE TO RESERVED BILLS.))

MR. BOULTON ((gave notice of an)) Address to His Excellency, for reports,  
papers, and documents relative to the reserved Bills of last Session.<sup>70</sup>

((NOTICE OF MOTION RE: COMMITTEE OF WHOLE ON INLAND BILLS OF EXCHANGE  
AND PROMISSORY NOTES.))

DR. BOUTHILLIER ((gave notice of a motion for a)) Committee of the Whole, on  
amending ((the)) Act relating to Inland Bills of Exchange and Promissory Notes.<sup>71</sup>

((NOTICE OF QUESTION RE: JACQUES CARTIER BRIDGE.))

MR. DUCHESNAY ((gave notice of an)) enquiry of Ministry, why arrangements have  
not been made between the Government and the proprietors of land adjoining the  
Jacques Cartier Bridge, in the County of Portneuf, in order to render that bridge  
available to the public by means of a public road leading thereto?<sup>72</sup>

((NOTICE OF MOTION RE: BILL TO AMEND ACT PREVENTING MULTIPLICATION OF  
LAWSUITS.))

MR. J. CAMERON (of Cornwall) ((gave notice of a)) Bill to amend the Act 5  
William IV., intituled An Act to prevent the unnecessary multiplication of Law-  
suits, and increase of costs in actions on Notes, Bonds, Bills of Exchange and  
other instruments.<sup>73</sup>

((NOTICE OF MOTION RE: BILL TO AMEND SLANDER AND LIBEL LAW.))

MR. M. CAMERON (of Cornwall) ((gave notice of a)) Bill to amend the Law of  
Slander and Libel.<sup>74</sup>

((NOTICE OF MOTION RE: COMMITTEE ON PUBLISHING AND DISTRIBUTING THE  
GOVERNMENT GAZETTE AND PROVINCIAL STATUTES.))

MR. MCLEAN ((gave notice of motion for the)) appointment of a Committee, to  
enquire into the mode of publishing and distributing the Government Gazette and  
Provincial Statutes.<sup>75</sup>

((NOTICE OF MOTION RE: AMENDMENT OF REBELLION LOSSES ACT.))<sup>76</sup>

SIR A. MACNAB gave notice that he would move for leave to bring in a bill to  
amend the Rebellion Losses Act, so as to declare that no person who had been en-  
gaged in the rebellion should receive any indemnity.<sup>77</sup>

FOOTNOTES: 15 MAY 1850.

1. The following papers reported the debate on this matter in partially identical accounts: GLOBE, 16 May 1850, HAMILTON SPECTATOR, 18 May 1850, PILOT, 21 May 1850, KENT ADVERTISER, 23 May 1850, BATHURST COURIER, 24 May 1850, and PACKET, 25 May 1850. The debate was also reported by: EXAMINER, 22 May 1850; and BRITISH WHIG, 23 May 1850, copied from MIRROR, of unknown date.
2. HAMILTON SPECTATOR, 18 May 1850.
3. IBID.
4. IBID.
5. EXAMINER, 22 May 1850.
6. This petition was reported by: MONTREAL GAZETTE, 20 May 1850; EXAMINER, 22 May 1850; PILOT, 21 May 1850; GLOBE, 16 May 1850; HAMILTON SPECTATOR, 18 May 1850; BRITISH WHIG, 18 May 1850; PACKET, 25 May 1850; and L'AVENIR, 25 May 1850. A commentary appeared in PILOT, 21 May 1850.
7. HAMILTON SPECTATOR, 18 May 1850.
8. IBID.
9. The debate on this matter was reported by: MONTREAL GAZETTE, 20 May 1850. The MONTREAL TRANSCRIPT, 8 June 1850, commented: "In a Bill introduced for Law Reform, by the Hon. H.J. Boulton, we find a passage running--'The use of all superfluous words shall be avoided in every pleading.' We wish he would remember this clause when making his speeches in the House."
10. MONTREAL GAZETTE, 20 May 1850.
11. IBID.
12. IBID.
13. IBID.
14. The following papers reported the debate on this matter in partially identical accounts: GLOBE, 16 May 1850, HAMILTON SPECTATOR, 18 May 1850, PILOT, 21 May 1850, KENT ADVERTISER, 23 May 1850, BATHURST COURIER, 24 May 1850, PACKET, 25 May 1850, and ST. CATHARINES JOURNAL, 22 May 1850. The debate was also reported by: MONTREAL GAZETTE, 20 May 1850; EXAMINER, 22 May 1850; BRITISH WHIG, 23 May 1850, copied from MIRROR, of unknown date; and L'AVENIR, 25 May 1850.
15. HAMILTON SPECTATOR, 18 May 1850.
16. IBID.
17. IBID.
18. MONTREAL GAZETTE, 20 May 1850.
19. HAMILTON SPECTATOR, 18 May 1850.
20. IBID.
21. MONTREAL GAZETTE, 20 May 1850.
22. HAMILTON SPECTATOR, 18 May 1850.
23. MONTREAL GAZETTE, 20 May 1850.
24. HAMILTON SPECTATOR, 18 May 1850.
25. IBID.
26. IBID.
27. EXAMINER, 22 May 1850.
28. HAMILTON SPECTATOR, 18 May 1850.
29. EXAMINER, 22 May 1850.
30. HAMILTON SPECTATOR, 18 May 1850.
31. EXAMINER, 22 May 1850.
32. HAMILTON SPECTATOR, 18 May 1850.
33. MONTREAL GAZETTE, 20 May 1850.
34. HAMILTON SPECTATOR, 18 May 1850.
35. MONTREAL GAZETTE, 20 May 1850.



36. HAMILTON SPECTATOR, 18 May 1850.
37. IBID.
38. IBID.
39. MONTREAL GAZETTE, 20 May 1850.
40. HAMILTON SPECTATOR, 18 May 1850.
41. IBID.
42. IBID.
43. IBID.
44. IBID.
45. EXAMINER, 22 May 1850.
46. HAMILTON SPECTATOR, 18 May 1850.
47. EXAMINER, 22 May 1850.
48. HAMILTON SPECTATOR, 18 May 1850.
49. IBID.
50. IBID.
51. IBID.
52. MONTREAL GAZETTE, 20 May 1850.
53. HAMILTON SPECTATOR, 18 May 1850.
54. MONTREAL GAZETTE, 20 May 1850.
55. HAMILTON SPECTATOR, 18 May 1850.
56. IBID.
57. IBID.
58. IBID.
59. EXAMINER, 22 May 1850.
60. HAMILTON SPECTATOR, 18 May 1850.
61. EXAMINER, 22 May 1850.
62. HAMILTON SPECTATOR, 18 May 1850.
63. EXAMINER, 22 May 1850.
64. HAMILTON SPECTATOR, 18 May 1850.
65. EXAMINER, 22 May 1850.
66. HAMILTON SPECTATOR, 18 May 1850.
67. IBID.
68. IBID.
69. IBID.
70. MORNING CHRONICLE, 22 May 1850.
71. IBID.
72. IBID.
73. IBID.
74. IBID.
75. IBID.
76. This notice was reported by: MONTREAL TRANSCRIPT, 18 May 1850; MONTREAL GAZETTE, 20 May 1850; EXAMINER, 22 May 1850; BRITISH WHIG, 23 May 1850, copied from MIRROR, of unknown date; and LA MINERVE, 20 May 1850. A commentary appeared in BRITISH WHIG, 23 May 1850, copied from MIRROR, of unknown date.
77. MONTREAL GAZETTE, 20 May 1850.

THURSDAY, 16 MAY 1850.

(5)

Petitions  
brought up.

THE following Petitions were severally brought up, and laid on the table:--

By the Honorable Mr. Cameron of Kent,--The Petition of George Hyde, Esquire, and others, of the County of Lambton.

By Mr. Nelson,--The Petition of François Laliberté and others, of the District of Montreal; and the Petition of Augustin St. Louis and others, Proprietors or Captains of Steamboats and River Craft.

By Mr. Thompson,--Three Petitions of the Provisional Municipal Council of the County of Haldimand; the Petition of the Municipality of the Township of Rainham; the Petition of James Sill and others, of the Township of Walpole; and the Petition of the Municipality of the Township of Seneca.

By Mr. Fortier,--The Petition of the Corporation of the Seminary of Nicolet.

By Mr. Duchesnay,--The Petition of O. Remond and others, Branch Pilots for the navigation of the River St. Lawrence between Montreal and Quebec; and the Petition of the Municipal Council of the County of Portneuf.

By Mr. Jobin,--The Petition of Godefroi Petit Lamarche and others, of the Parish of Ste. Anne du bout de l'Isle, Montreal.

By Mr. Laurin,--The Petition of Amable de Varennes and others, Censitaires of the Domain of the Crown, proprietors of land on the banks of the River Lorette; the Petition of Jean Plamondon and others, of the Parish of L'Ancienne Lorette; the Petition of Jean Baptiste Pagé and others, of the Parish of L'Ancienne Lorette, in the Counties of Portneuf and Quebec; the Petition of Charles Timony, Esquire, and others, of the Parish of St. Giles, County of Lotbinière; and the Petition of L. Grenier, Esquire, and others, of the Parish of Lotbinière, County of Lotbinière.

By Mr. Smith of Wentworth,--The Petition of Alexander Scobie, Esquire, and others, of the Townships of Seneca, County of Haldimand, and Onondaga, County of Wentworth; and the Petition of the Municipal Council of the United Counties of Wentworth and Halton.

By Mr. Guillet,--The Petition of the Reverend P. Patry and others, of the Parish of Ste. Geneviève, and St. Stanislas, County of Champlain.

By Mr. Fergusson,--The Petition of the Municipality of the Township of Glenelg; the Petition of the Municipality of the Township of Erin; the Petition of the Municipality of the Township of Waterloo; the Petition of the Municipality of the Township of Bentinck; the Petition of the Municipal Council of the County of Waterloo; the Petition of the Municipality of the Township of Woolwich; the Petition of the Municipality of the Township of Eramosa; and the Petition of the Municipality of the Township of Guelph.

Petitions read.

Pursuant to the Order of the day, the following Petitions were read:--

Of R.S. Woods, Esquire, and others, Barristers, and others, of the Township of Sandwich, County of Essex; praying for the abolition of the Court of Chancery, and that equitable jurisdiction be extended to the Common Law Courts of Upper Canada.

Of Fabien Parent and Antoine Ouellette, of the Town of Sandwich, County of Essex; praying for the passing of an Act to enable them to collect certain arrears of rates, taxes and assessments due in the Township of Sandwich for the years 1837 and 1845.

Of the Reverend E. LeBlond and others, of the Parish of St. Raphael de l'Isle Bizard; praying for the adoption of measures to prevent the immoderate use of intoxicating liquors.

Of the Reverend J.B. St. Germain, of the Parish of St. Laurent, County of Montreal; praying for aid in support of "L'Académie Industrielle de St. Laurent."

Notarial Pro-  
fession Organ-  
ization Bill.

Ordered, That Mr. Jobin have leave to bring in a Bill to amend and consolidate the Act providing for the organization of the Notarial Profession in Lower Canada.

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time, on Monday, the twenty-seventh instant.

Then, on motion of Mr. Smith of Frontenac, seconded by the Honorable Mr. Sherwood,

The House adjourned.



APPENDIX: 16 MAY 1850.

((NOTICE OF MOTION RE: BILL TO AMEND ACT RELATING TO RIVIERE DU CHENE.))

MR. W. SCOTT (of Two Mountains) OR MR. BADGLEY ((gave notice of a)) Bill to amend the Act of last Session providing for the improvement of the Rivière du Chêne.<sup>1</sup>

((NOTICE OF QUESTION RE: SEIGNEURIAL TENURE.))<sup>2</sup>

DR. DAVIGNON gave notice that he would, to-morrow, enquire of the Attorney General East, whether it was his intention to take any proceedings this Session on the motion introduced by him during the last Session of Parliament, relative to the Seignorial tenure in Lower Canada.<sup>3</sup> And, if so, if they may be expected at an early day this Session?<sup>4</sup>

((NOTICE OF QUESTION RE: PRINTING OF THE HOUSE.))

COL. GUGY gave notice that to-morrow he would ask the Government whether they proposed to take any step for submitting the Printing required for the public Service to public competition.<sup>5</sup>

((NOTICE OF QUESTION RE: SALARIES OF SHERIFF'S OFFICERS.))

COL. GUGY gave notice that he would inquire of Ministers whether any investigation had been made into the extraordinary Salaries of the Sheriff's officers of the Superior Court of the District of Montreal, together with other abuses, and he would ask if they intended to lay the papers before the House.<sup>6</sup>

((NOTICE OF RESOLUTIONS RE: AGRICULTURE AND RAILWAYS.))

MR. W. BOULTON, of Toronto, gave notice that on this day fortnight, he would move for a Committee of the whole on the following resolutions.

Resolved,--That it is the duty of all good Governments to encourage by every legitimate means the art of Husbandry.

Resolved,--That since the agriculturists of Canada amount to at least four-fifths of the Community, the duty (previously mentioned) becomes an imperative obligation.

Resolved,--That facility of transport and readiness of communication afford the surest means for securing a proper return for the labour of the husbandman.

Resolved,--That a Railroad connecting the Western frontier and intermediate towns with the ocean, (Atlantic) would effectually ensure their object.

Resolved,--That this Railroad be commenced as early as possible, and further that it be made a Provincial undertaking.<sup>7</sup>

((NOTICE OF ADDRESS RE: SCHOOL MONIES.))

MR. ARMSTRONG gave notice that on Monday next, he would move an address to his Excellency for the amount of moneys paid to the Secretaries and Treasurers of School municipalities of Lower Canada, out of the School fund appropriated to elementary education in that part of the province.<sup>8</sup>

((WITHDRAWN MOTION RE: ADDRESS TO HIS EXCELLENCY FOR CORRESPONDENCE ON CLERGY RESERVES.))<sup>9</sup>

MR. H. BOULTON (Norfolk) moved a humble Address to His Excellency, praying that he would be pleased to order to be laid on the table of the House, copies of any correspondence between the Provincial and Imperial Governments, respecting the

question of the Clergy Reserves, together with a report of any discussion between Earl Grey and the Hon. Inspector General, when lately in England, on that subject, and also,<sup>10</sup> The Inspector General's impression of the substance of all discussions between him and Earl Grey, together with the views of the British Government on the subject.<sup>11</sup>

MR. AT. GEN. BALDWIN said there was but little necessity for him to say anything on the subject of the motion, because no such correspondence existed as that which the hon. member for Norfolk desired should be produced<sup>12</sup>. Having said so much, he would have sat down if it were not, that he observed in the latter part of the motion, a most extraordinary demand for a report of any discussions that his hon. friend the Inspector General may have had with Earl Grey.<sup>13</sup> He could not allow it to pass without expressing his astonishment that a member of such experience as the mover, could so violate all Parliamentary practice, as to move an Address for the production of letters passing between honorable members, and for the report of conversations which might have occurred between, and the opinions entertained by, the various members of the Administration. The idea, said the hon. Attorney-General, of a Minister of the Crown, on this side of the water, making a report of conversations which he might have held with Ministers of the Crown on the other side of the water,<sup>14</sup> (hear, hear,)<sup>15</sup> and not only of these conversations, but on these he was to found an opinion, and give a full, true, and particular account of the views which he understood such Ministers to entertain at the close of the interview.<sup>16</sup> (Hear, hear, and laughter.)<sup>17</sup> Could any request be more absurd, or any motion more indelicate or unparliamentary.<sup>18</sup> It was really a very singular idea of the hon. member for Norfolk, and one for which he believed there was neither authority nor precedent.<sup>19</sup> As he had said before, he would have contented himself with informing the hon. gentleman that there was no such correspondence as that alluded to in the motion; if it were not for the concluding part<sup>20</sup>. These remarks were necessary, from the position of the hon. member, as one experienced to (sic) Parliamentary usages, and which might lead younger members to suppose it perfectly in order to move for reports of private conversations and speculative opinions.<sup>21</sup>

COL. PRINCE rose for the purpose of supporting his hon. friend from Norfolk, whose proposition had in his opinion been treated with more ridicule than it merited.<sup>22</sup> He did not consider the course pursued so very unparliamentary<sup>23</sup>. The hon. Attorney General appeared to have forgotten altogether, when he was ridiculing the demand of his hon. friend for a report of ministerial negotiations, that they have been reported pretty fully here, and that every newspaper teemed with those reports; thanks to<sup>24</sup> the Honourable Malcolm Cameron<sup>25</sup> who, doing himself infinite credit by the course he took, quitted<sup>26</sup> his seat in a cabinet which was a disgrace to the country;<sup>27</sup> and thus the secrets of the prison house came to be disclosed. Now, his hon. friend knew very well that the hon. Inspector General had had several interviews with Lord Grey, and he very possibly imagined that it was not at all unlikely that the hon. Inspector General had had some talk also with Mr. Hawes. His hon. friend, then knowing these things; wished to be made acquainted with the secrets of that prison house also. Surely there was nothing very monstrous in that.<sup>28</sup> As for delicacy, for Heaven's sake, exclaimed the hon. member, don't let gentlemen opposite talk of delicacy after the disgraceful newspaper squabble in which they had lately been engaged.<sup>29</sup>

MR. H. BOULTON replied to the observations which had fallen from Mr. Baldwin, because it appeared that none of the other Members of the administration intended saying any thing on the subject. He did not think that his motion was so very extraordinary as the Hon. Attorney General would wish to make it appear<sup>30</sup> on the eve of a discussion of the most vital importance<sup>31</sup>. He considered the information he called for was necessary, and should be given to the Country.<sup>32</sup> For if hon.



gentlemen could bear it in mind, towards the close of the last session, several petitions were laid on the table of the House, praying that some action might be taken on the question of the Clergy Reserves; and it was then stated by a member of the Cabinet, that the Ministry would enter into a negociation (sic) with the Imperial Government on the subject. And he believed it was expected that when the Inspector General went to England<sup>33</sup> as a quasi ambassador<sup>34</sup> that it would form part of his instructions to discuss that question with Earl Grey, and that it occupied a good deal of his time. It was a delicate question for the Ministry to deal with, as they were then, and as they are now situated, and every person knew that they could not move a step without the concurrence of the Imperial Parliament. Being then under that impression, and wishing to obtain a knowledge of the views of Earl Grey, and of the success which had attended the negociation (sic) of our quasi ambassador, he conceived that he had not acted in a (sic) unparliamentary manner, or one calculated to excite the ridicule of the hon. Attorney general.<sup>35</sup> Now, he wished to know what this ambassador had done; but he now finds, and greatly astonished was he to find it, that the mighty ambassador had done nothing--that no letters existed--no information to be given--and no negotiations opened.--He certainly was surprised at receiving this answer; it was what he did not expect.<sup>36</sup> He could assure that hon. gentleman, that if he (Mr. Boulton) had had the slightest idea that he had forgotten all about the subject, and that no negociation had been entered into, he would have saved himself the trouble of preparing that motion. As that, however, was the case, he would at once withdraw it.<sup>37</sup>

MR. H. SHERWOOD was a good deal surprised at the remarks made by the hon. Attorney General West, for when the consideration of the question was<sup>38</sup> strongly<sup>39</sup> urged upon the Ministry last session by their own supporters, and more especially by their hon. member for Middlesex, they had<sup>40</sup> distinctly stated that the Government was not prepared with a measure on the subject,<sup>41</sup> as it would be necessary in the first place to negotiate with and obtain the sanction of the Imperial Government, the Provincial Parliament having no power to interfere with an Imperial statute. The reason for delay thus assigned appeared to be good, and the House was satisfied; and now after the lapse of twelve months they are<sup>42</sup> boldly<sup>43</sup> informed by the hon. Attorney General that the subject has been totally neglected, and that no correspondence respecting it has taken place. As that was the case, he could only advise the hon. friend to withdraw his motion for the present; and it was not impossible that hon. members might hereafter be prepared to give some explanation as to the delay in proceeding on this subject.<sup>44</sup> He hoped for their own sakes, when the question was brought up, that hon. gentlemen opposite would be able to explain how this was.<sup>45</sup> OR That explanation would no doubt be satisfactory; but for his part, he was obliged to confess, that it was impossible for him to reconcile what the hon. Attorney General had just said with the statement made last session. He well remembered the time when he was in office, and when the hon. Attorney General was in opposition, and when that hon. gentleman taunted him and his colleagues daily with their delays or their remissness. That hon. gentleman was then constantly finding fault. Told them that they should have all communications or correspondence asked for, ready to be laid on the table at once. That they should take time by the fore-lock, and accused them of want of diligence, because a letter was dated two months before the meeting of the House. Well, they bore those taunts as well as they could but<sup>46</sup> he defied their enemies to point out a single instance in which they asserted one session that negotiations were in progress and<sup>47</sup> then after the lapse of a year inform the House that it had been totally neglected.<sup>48</sup>

Hear, hear from the Opposition benches.<sup>49</sup>

MR. H. SHERWOOD continued: With respect to the latter part of the motion he must say, that he concurred fully with the Hon. Attorney General that it could not



be supported by a Parliamentary precedent--and he would have resisted it if the Hon. mover had not intimated a desire to withdraw the motion altogether for in his opinion they could only call for such papers as were essentially public documents, without any right whatever to demand a statement of any discussion with Earl Grey, for whose opinions or views he did not care a single farthing. With respect to any action to be taken on this question, he thought there could be no manner of doubt, it had been settled by an Imperial statute, based on the proceedings taken by the House in 1839, when Lord Sydenham was at the head of the Administration.<sup>50</sup>

MR. INSP. GEN. HINCKS--It was not based on that, surely.<sup>51</sup>

MR. H. SHERWOOD continued,--Yes, based on that, but with some alterations.<sup>52</sup>

Hear, hear, from MR. INSP. GEN. HINCKS.<sup>53</sup>

MR. H. SHERWOOD continued: And yet a petition was laid on the table to-day, by an hon. member, who certainly could not plead ignorance, praying that they would repeal the Imperial Statute. The hon. gentleman surely must have known that it was highly absurd to make such a demand; and yet it was done even while an outcry is made every day about the Imperial Government interfering with our legislation.<sup>54</sup> He moved that the motion be withdrawn.<sup>55</sup>

MR. H. BOULTON offered to withdraw his motion.<sup>56</sup>

MR. INSP. GEN. HINCKS, as he had been alluded to so much, and so directly, desired to offer some observations.<sup>57</sup> He concurred fully with the hon. member for Toronto that it was monstrous and absurd to suppose that they could legislate on an Imperial Statute, and he was glad that the hon. member had referred to it, as great efforts had been made to induce the people throughout the Province to believe that they had the power, if they were willing to exercise it,<sup>58</sup> by statements that the Provincial parliament can legislate upon the subject<sup>59</sup>, and he thought it was high time that they should be undeceived.--Now, the hon. member for Norfolk had referred to an expression that was made use of last session by one of his hon. colleagues, and having a distinct recollection of what had been said on that occasion, he was convinced that it had been very much misrepresented. There had been no pledge given that correspondence should be opened with the Home Government, but it had been stated simply, that previous to taking any steps it was desirable that such a correspondence should be had.<sup>60</sup>

MR. H. BOULTON--Which they have not had.<sup>61</sup>

MR. INSP. GEN. HINCKS continued,--Certainly not; and if the hon. gentleman desired to know the reason, he would tell him. It was because the Government was not prepared to bring forward any measure with regard to that question.<sup>62</sup> (Hear, hear.)<sup>63</sup> The next point to which he wished to refer, was the statement of the hon. member for Norfolk, that he (Mr. Hincks) was to bring the question of the Clergy Reserves under Lord Grey's notice, and to enter into a negotiation respecting it with his lordship. Now, he should like to know what authority the Hon. gentleman had for such a statement.<sup>64</sup>

MR. H. BOULTON.--It was the subject of public conversation in the streets of Montreal,<sup>65</sup> and in fact at the time, there was no doubt on (sic) any person's mind, that that was to be the case.<sup>66</sup>

MR. INSP. GEN. HINCKS did not care a farthing for such authority, or for any other rumour that the Hon. gentleman might have heard in the streets of Montreal. All that he could say was, that he had never heard a word of that description in the House, or from any member of the Cabinet.<sup>67</sup> But he would not now enter into the subject; there would be plenty of time for members to discuss that; all he

would say was that<sup>68</sup> not being authorised by his instructions to do so he did not presume to enter into any negotiations. Respecting the Clergy Reserves question itself, it was not his intention then to enter upon a general discussion of it, as plenty of occasions would arise hereafter for doing so with far more propriety. He would, therefore, content himself with observing that for his own part, he conceived he and those of his Hon. colleagues who agreed with him in opinion, were taking the best course for its settlement, and that he held unchanged the opinion he had formerly avowed--that the Imperial Act was far from being satisfactory to the great mass of the community.<sup>69</sup> The Hon. Inspector General then made some allusions to the wording of Mr. Boulton's motion for getting at the views of the Imperial Government, and said that whatever opinions might have been expressed to him by Her Majesty's advisers, he was not authorized, and therefore, he could not violate confidence by presuming to reveal them.<sup>70</sup>

MR. H. BOULTON explained, that he had no desire to have any private conversations between the hon. Inspector General and Lord Grey laid before the House. All that he desired was to obtain the details of a regular negotiation, if any such had been carried on.<sup>71</sup>

MR. MCCONNELL said the question of the Clergy Reserves was one which the country demanded should be settled<sup>72</sup>. He understood Mr. Price had promised last session to take up this question, this session, and was sorry to find that the Government was not prepared with anything on it.<sup>73</sup>

MR. AT. GEN. BALDWIN looked upon this measure as one of the gravest and most important that could ever come before that House<sup>74</sup>. This question would come under discussion, and he warned hon. members that it was not one which could be treated lightly either by ministers or any member of the House. He hoped when it did come up, that it would be treated soberly, trustingly, and with temper, and that the heat exhibited on many occasions would be put aside as unfit for so grave and important a subject.<sup>75</sup> (Hear, hear.) However, his object in rising was to make one remark in reference to the statement made last Session by Ministers, and which the hon. member for Toronto appeared to have misunderstood. That statement went no further than to say, that before Government could come down to Parliament with any measure on the Clergy Reserves it would be necessary to communicate with the Imperial Government, and he said so still; but as the hon. Inspector General had remarked Government was not prepared to come down with it. Now the hon. member for Norfolk had referred to rumours current in the streets of Montreal. He therefore felt himself at liberty to refer to rumours, also, and he would ask that hon. gentleman if he had not heard it reported on all hands, that the opinions of the members of the Cabinet, differed from each other very widely on that question. It was a fair answer to the other rumour, and if the hon. gentlemen were disposed to believe that it was well founded, it must be clear to him, that the Government could neither enter into any communication with the Imperial Government, nor come down here with any proposition, as it was absolutely necessary, before taking such a step, to make up their minds to act unanimously and together as a Government<sup>76</sup>. Of course each of the administration had his own opinion on the subject; but the Government must have a mind as a Government, before they could make the settlement of the Clergy Reserves a ministerial measure; but at present they had no mind, and therefore this could not be done.<sup>77</sup>

MR. H. SHERWOOD said that the only inference he had been able to draw from the statement of ministers last session, was that they intended to open a correspondence with the Home Government in order that they might be prepared to submit a Ministerial measure to the House this session.<sup>78</sup>

MR. H. BOULTON withdrew his motion.<sup>79</sup>

FOOTNOTES: 16 MAY 1850.

1. MORNING CHRONICLE, 22 May 1850. This was also reported by NORTH AMERICAN, 21 May 1850.
2. The following papers reported this question in identical accounts: GLOBE, 18 May 1850, and PACKET, 25 May 1850. The question was also reported by: MONTREAL GAZETTE, 21 May 1850; NORTH AMERICAN, 21 May 1850; MORNING CHRONICLE, 22 May 1850; and L'AVENIR, 25 May 1850.
3. GLOBE, 18 May 1850.
4. MORNING CHRONICLE, 22 May 1850.
5. NORTH AMERICAN, 21 May 1850. This was also reported in identical accounts by GLOBE, 18 May 1850, and PACKET, 25 May 1850.
6. NORTH AMERICAN, 21 May 1850.
7. IBID. This was also reported by MONTREAL TRANSCRIPT, 18 May 1850.
8. NORTH AMERICAN, 21 May 1850. Also reported in MORNING CHRONICLE, 22 May 1850.
9. The following papers reported the debate on this withdrawn motion in partially identical accounts: PILOT, 21 May 1850, ST. CATHARINES JOURNAL, 22 May 1850, GLOBE, 18 May 1850, PACKET, 25 May 1850; EXAMINER, 22 May 1850, and BATHURST COURIER, 24 May 1850. The debate was also reported by: MONTREAL TRANSCRIPT, 18 May 1850; HAMILTON SPECTATOR, 18 May 1850; and MONTREAL GAZETTE, 21 May 1850. L'AVENIR, 25 May 1850 noted the debate. Commentaries appeared in BRITISH COLONIST, 21 May 1850; and EXAMINER, 22 May 1850.
10. GLOBE, 18 May 1850.
11. BATHURST COURIER, 24 May 1850.
12. HAMILTON SPECTATOR, 18 May 1850.
13. PILOT, 21 May 1850.
14. HAMILTON SPECTATOR, 18 May 1850.
15. PILOT, 21 May 1850.
16. HAMILTON SPECTATOR, 18 May 1850.
17. PILOT, 21 May 1850.
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19. PILOT, 21 May 1850.
20. ST. CATHARINES JOURNAL, 22 May 1850.
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27. HAMILTON SPECTATOR, 18 May 1850.
28. ST. CATHARINES JOURNAL, 22 May 1850.
29. HAMILTON SPECTATOR, 18 May 1850.
30. IBID.
31. ST. CATHARINES JOURNAL, 22 May 1850.
32. HAMILTON SPECTATOR, 18 May 1850.
33. ST. CATHARINES JOURNAL, 22 May 1850.
34. MONTREAL GAZETTE, 21 May 1850.
35. ST. CATHARINES JOURNAL, 22 May 1850.
36. HAMILTON SPECTATOR, 18 May 1850.
37. ST. CATHARINES JOURNAL, 22 May 1850.
38. IBID.
39. HAMILTON SPECTATOR, 18 May 1850.
40. ST. CATHARINES JOURNAL, 22 May 1850.
41. HAMILTON SPECTATOR, 18 May 1850.
42. ST. CATHARINES JOURNAL, 22 May 1850.



43. HAMILTON SPECTATOR, 18 May 1850.
44. ST. CATHARINES JOURNAL, 22 May 1850.
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46. ST. CATHARINES JOURNAL, 22 May 1850.
47. HAMILTON SPECTATOR, 18 May 1850.
48. ST. CATHARINES JOURNAL, 22 May 1850.
49. GLOBE, 18 May 1850.
50. IBID.
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55. MONTREAL GAZETTE, 21 May 1850.
56. HAMILTON SPECTATOR, 18 May 1850.
57. IBID.
58. GLOBE, 18 May 1850.
59. BATHURST COURIER, 24 May 1850.
60. GLOBE, 18 May 1850.
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62. IBID.
63. HAMILTON SPECTATOR, 18 May 1850.
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66. GLOBE, 18 May 1850.
67. IBID.
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70. HAMILTON SPECTATOR, 18 May 1850.
71. GLOBE, 18 May 1850.
72. HAMILTON SPECTATOR, 18 May 1850.
73. MONTREAL GAZETTE, 21 May 1850.
74. PILOT, 21 May 1850.
75. HAMILTON SPECTATOR, 18 May 1850.
76. PILOT, 21 May 1850.
77. HAMILTON SPECTATOR, 18 May 1850.
78. GLOBE, 18 May 1850.
79. BATHURST COURIER, 24 May 1850.

FRIDAY, 17 MAY 1850.

(6)

Mr. Lacoste  
takes his seat.

ing the same, took his seat in the House.

Report of  
Librarian.

19th June, 1841.

Appendix (B.)

Correspondence  
on the subject  
of the destruc-  
tion of the  
Library.

of Congress, and of certain contiguous States of the American Union, communicating intelligence of the loss sustained by the Province in the destruction of its Parliamentary Libraries, and soliciting their generous assistance in the efforts making to replace them; and that he had received from several of the Gentlemen addressed, replies, expressive of their sympathy at the destruction of our valuable Libraries, and their entire willingness to respond to the appeal which had been made on behalf of the re-construction of the same.

He then communicated to the House the Correspondence referred to, and which is as followeth:

The Speaker's  
Circular letter.

Montreal, Canada, 3rd July, 1849.

Sir,--You have doubtless been informed, through the ordinary channels of intelligence, of the disastrous loss which the Legislature and People of this Province have sustained, in the total destruction, by fire, of the Buildings in which the sittings of the Provincial Parliament were held, by a riotous assemblage, on the 25th of April last.

Of the many deplorable consequences which have resulted from this outrage, the entire destruction of the valuable Libraries attached to the two Houses of the Legislature, and which contained in all about 25,000 volumes, may be reckoned as among the greatest. In this instance, especially, the loss has fallen not merely upon the Parliament itself, but generally upon the people of the Province, who, by the liberality of the Members of both Houses, were permitted access to the Books, in default of other opportunities for literary gratification and research, there being no other Libraries in Canada, of any magnitude, to which the Public were admitted.

In the Session of Parliament which has recently terminated, a general anxiety was manifested among Members, that efforts should be made to replace the collection as soon as practicable.

The existing state of the Provincial Finances, however, not warranting, for the present, any considerable outlay on this behalf, our efforts for the reconstruction of the Library are unavoidably postponed until another year, when it is in contemplation to establish one Joint Library for both Houses of the Legislature, to which there is no doubt the Public will be as freely admitted as heretofore.

Meanwhile, as it has been thought that much sympathy would be entertained, both on this Continent and in the United Kingdom, for the calamitous event which has occasioned so grievous a deprivation to the People of Canada, I have been empowered by the Legislative Assembly to communicate officially with the princi-

pal Representative Bodies in America and England, acquainting them of the extent of our loss, and soliciting their generous assistance in our endeavours to replace the Library, by sending us copies of such of their Journals, Statutes, or other printed documents as could be spared, to be deposited therein.

I shall therefore esteem it a great favor if you will kindly aid our undertaking by obtaining for us a copy of such works, whether official publications or otherwise, as you might think would prove desirable acquisitions, and could conveniently send. In so doing, you would be conferring an obligation upon the Canadian Public, which it would at all times afford them the highest gratification to reciprocate. Any expense connected with this, we would of course cheerfully defray, and should, at the same time, remain largely your debtors for any such friendly donations.

I have the honor to subscribe myself, with the highest consideration, Sir,  
Your most obedient humble Servant,  
(Signed,) A.N. MORIN, Speaker.

Letter from the  
Speaker of the  
Legislative  
Council of Prince  
Edward Island.

Charlotte Town, Prince Edward Island,  
16th July, 1849.

Sir,--I have the honor to acknowledge the receipt of your letter of the 3rd instant, requesting me to aid in obtaining for the Legislature of Canada, copies of such works, whether official publications or otherwise, as may prove desirable acquisitions in assisting to supply the loss which the Legislature and People of Canada have sustained from the destruction of the Libraries attached to the two Houses of the Legislature, by a riotous assemblage on the 25th of April last; and, whilst expressing my detestation of the crime and deploring its consequences, I beg to assure you of my readiness to aid in the praiseworthy effort now being made by the Canadian Parliament to replace the collection destroyed; and I feel justified in asserting that the Legislative Council of this Island will be found most willing to contribute in the way you desire, but that Body not being now in Session, I do not feel warranted in taking any steps in the matter, until I shall have an opportunity of laying your letter before it, which opportunity in all probability will not occur until February next, being the period when the Legislature of this Colony is usually assembled in Session, and when it will afford me great gratification to further the object of the Canadian Parliament by every means in my power.

With the highest respect and consideration,

I have the honor to be, Sir,

Your most obedient humble Servant, R. HODGSON,

President, Legislative Council, Prince Edward Island.

To the Honorable the Speaker of the  
Legislative Assembly of Canada, &c. &c. &c.

Letter from the  
Speaker of the  
Legislative Coun-  
cil of New  
Brunswick.

Fredericton, New Brunswick,  
26th July, 1849,

Sir,--I have been favored with your communication of the 3rd instant, respecting the universally regretted destruction of your fine Library with the Legislative Buildings in Montreal.

It is impossible to find any who do not sincerely sympathize with Canada in the severe loss sustained by that barbarous catastrophe.

I regret to say that little or nothing is in my power to effect towards the desirable object of your application; but, in the meantime, I place your letter

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in the hands of the Joint Committee of our Legislative Library, for their best consideration, in hopes that something may be accomplished at the next meeting of



our Legislature. If in any way I can be aiding to your views, it will afford me much gratification. Meantime,

I have the honor to be, Sir,

Your most obedient humble Servant,

WILLIAM BLACK, President, Legislative Council.

The Honorable A.N. Morin,

Speaker of Legislative Assembly, &c., &c., &c.,

Montreal, Canada.

Letter from  
the Speaker  
of the House  
of Commons.

House of Commons, August 1st, 1849.

Sir,--I have the honor to acknowledge the receipt of your letter of July 3rd, 1849.

Sympathizing as I do most truly in the loss sustained by the Houses of Legislature of Canada, owing to the destruction of their valuable Library by fire, I shall have great pleasure in sanctioning the delivery of copies of all the Journals and Papers of the Imperial Parliament of Great Britain and Ireland which are now in our stores, to any party whom you shall inform me is authorized to receive them in this country on behalf of the Legislature of Canada.

I have the honor to be, Sir,

Your obedient and faithful servant,

CHARLES SHAW LEFEVRE, Speaker.

The Honorable A.N. Morin,

&c., &c., &c., Montreal.

Reply to the  
letter from the  
Speaker of the  
House of Commons.

Montreal, March, 1850.

Sir,--Having received advices from our Agent in London, (Mr. Wynne, of Paternoster Row,) that he has consigned to the address of the Clerk, twenty cases of Books which have been forwarded to him by your orders, as a donation in aid of the reconstruction of the Library of the Legislative Assembly, so lamentably destroyed by fire last spring, I feel it incumbent upon me without delay, to convey to you the expression of my thanks for your very handsome and acceptable present.

At the time that I had the honor to acknowledge your favor of the 1st August last, wherein you stated your kind intentions in our behalf, I did not imagine that your promised contribution to our Library could prove so extensive and so valuable. Nothing you could have sent us, I am persuaded, could have been of such utility for the purposes of Parliamentary reference, as the Journals and Sessional Papers of the House of Commons.

Immediately upon the meeting of the Legislative Assembly, I shall lay before them particulars of your munificent gift, when, I doubt not, the House will formally transmit to you, an assurance of their gratitude for the same.

Meanwhile, I beg you will accept from myself this slight acknowledgment of your liberality, and believe me to remain,

With the highest consideration, Sir,

Your very obedient humble Servant,

(Signed,) A.N. MORIN, Speaker

The Right Honorable

Charles Shaw Lefevre, Esquire, Speaker.

Letter from  
the President of  
the Senate of  
New York.

Westfield, Chautauque County, N.Y.,

October 24th, 1849.

Sir,--Your favor of the 22nd ultimo, directed to me at Albany, was forwarded from that place and reached here during my absence on a visit to New England.

It will afford me great pleasure to procure from the Legislature of this

State at its Session in January next, an appropriation of public documents to replenish, in part, the Library that was destroyed at Montreal in April last, and I have entire confidence that the effort will be successful, and when obtained they will be forwarded to you at Montreal.

Very respectfully,

Your obedient servant, GEO. W. PATTERSON,  
Lieutenant Governor and President of the Senate.

Hon. A.N. Morin, Speaker.

Letter from the  
Secretary of  
the State of  
New York.

State of New York, Secretary's Office,  
Albany, April 8th, 1850.

Sir,--Some time since I sent you for the Library of the Parliament of Canada, in the care of Mr. A. Wellington Hart, of New York, a box containing the following Books:--

The Natural History of the State of New York, 15 volumes.

Geological Map of	do		
Documentary History	do	2	do
Laws (1802-3-4 in one volume)	do	1	do
do (1808, 1814, 1847, 1848, 1849)	do	6	do
Senate Journals, 1848, 1849	do	2	do
Senate Documents, 1848	do	3	do
do do 1849	do	3	do
Assembly Journals, 1848, 1849	do	3	do
Assembly Documents, 1848	do	7	do
do do 1849	do	7	do

Five volumes Woodfall's Parliamentary  
Debates, 5 do

Munsell's Albany Annual Register, 1849-50, 1 do

Transactions of American Ethnological Society, 2 do

State Papers, 3rd Session, 13th Congress, 1 do

Lamb's Memoirs,

Senate Journal, 1834, and sundry Pamphlets and Public Documents.

Owing to the absence of the person having charge of these Books, this communication has been delayed to the present time.

Please convey to the Parliament of Canada, our sympathy in the loss of their Library, and the assurances of our distinguished consideration.

I have the honor to be,

Your obedient and humble servant,

CHRISTOPHER MORGAN, Secretary of State.

Wm. B. Lindsay, Esquire,

Clerk of the Legislative Assembly,

Toronto, Upper Canada.

Letter from the  
Speaker of  
Nova Scotia.

Halifax, April 3rd, 1850.

Sir,--In the Session of the General Assembly of this Province which has just terminated, I called the attention of the House to the letter which you did me the honor of addressing to me, on the 3rd of July, and am gratified in acquainting you, that there was an unanimous feeling in the House, to aid as far as they had the power, in replacing the Library lost under such lamentable circumstances by the Legislature of Canada. The Executive Government, therefore, were charged with the duty of providing complete sets of our Provincial Laws and Journals, and Copies

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of all such works as have been published in Nova Scotia, which will be collected and forwarded to your address, in the course of the ensuing Summer.

In the hope that this contribution, however small, will be accepted as an

earnest of our desire to cultivate the most friendly relation with our fellow-subjects in Canada,

I have the honor to be,  
With the highest esteem, Sir,  
Your most humble Servant, WM. YOUNG,  
Speaker, Nova Scotia.

To the Honorable A.N. Morin,  
Speaker of the House of Assembly of Canada.

Letter from the  
late Speaker of  
the House of  
Representatives  
of United States.

Mr. Speaker also stated, That he had received a Letter from the Honorable R.C. Winthrop, late Speaker of the House of Representatives of the United States, marked "Private," and intimating that his term of service having expired, he was unable to respond officially to the application made to him, but that he would hereafter forward it to the proper quarter, and would take the greatest pleasure in promoting the object to which it relates.

Mr. Speaker re-  
ports donations  
to Library.

Mr. Speaker further acquainted the House, That in addition to the Donations promised in the foregoing Correspondence, valuable presents of Journals, both of the Legislative Assembly of Canada, and of the House of Assembly of the late Province of Upper Canada, had been received from Louis Guillet, Esquire, M.P.P., from Caleb Hopkins, Esquire, M.P.P., and from James Durand, Esquire; and a Donation of fifty volumes of miscellaneous literary works, through the liberality of Stewart Derbishire, Esquire.

Petitions  
brought up.

The following Petitions were severally brought up, and laid on the table:--

By Mr. Armstrong,--The Petition of Benjamin Geoffroy and others, of the Parish of St. Ambroise de Kildare and vicinity, in the Township of Kildare.

By Mr. Cauchon,--The Petition of E. Boudreau, M.D., and others, of the County of Saguenay; and the Petition of William H. LeMoine, Esquire, and others, of La Côte de Beaupré, County of Montmorency.

By Mr. Mongenais,--The Petition of the Reverend Jacob J. S. Mountain and others, the Minister, Wardens and others, Members of the Church of England, at Côteau du Lac, in Lower Canada.

By Mr. Holmes,--The Petition of A.F. Holmes, M.D., on behalf of the Medical Faculty of McGill College; and the Petition of Patrick Lawler and others, forming the Committee chosen to superintend the erection of an Orphan Asylum in connection with St. Patrick's Church, in the City of Montreal.

By Mr. Fournier,--The Petition of P.T. Dupont and others, of the Parishes of St. Roch and Port Joli, in the County of L'Islet; and the Petition of Jean Baptiste Mercier and others, of the Parish of St. Pierre de la Rivière du Sud, County of L'Islet.

By Mr. Sauvageau,--The Petition of the Reverend C.L. Vinet and others, Members of the Temperance Society of the Parish of St. Constant.

By Mr. Lemieux,--The Petition of B. Demers and others, for themselves and others, Landholders and Agriculturists of the Seigniorie of Lauzon; the Petition of the Reverend P.H. Jean and others, Members of the Temperance Society of the Parish of St. Joseph de la Pointe Levi; the Petition of William Patton, Esquire, and others, Captains and Proprietors of Vessels, of the District of Quebec, and others; and the Petition of the Reverend J. Auclair and others, Members of the Temperance Society of the Parish of Ste. Marie, Nouvelle Beauce.

By Mr. Laurin,--The Petition of P.C. Levasseur and others, of the Parish of St. Jean des Chaillons, County of Lotbinière; the Petition of Charles Cazeau and



others, Cullers, of the District of Quebec; the Petition of Pierre Gauvreau and others, the President, Directors, and Members of the "Société Bienveillante des Ouvriers de Québec;" and the Petition of François Normand and others.

By Mr. Fergusson,--The Petition of the Guelph and Dundas Road Company; and the Petition of the Municipal Council of the County of Waterloo.

By Sir Allan N. MacNab,--The Petition of the Mayor, Aldermen and Commonalty of the City of Hamilton.

By Mr. Smith of Wentworth,--Three Petitions of the Municipal Council of the United Counties of Wentworth and Halton.

By Mr. Malloch,--The Petition of William Reid, Moderator, on behalf of the Presbytery of Kingston, (in connection with the Presbyterian Church of Canada.)

Petitions read. Pursuant to the Order of the day, the following Petitions were read:--

Of Edouard Morin, Esquire, and others, Agriculturists, and others, of the Parish of St. Casimir; praying for aid to construct a Bridge over the River Ste. Anne, in the said Parish.

Of P. Benoit, Esquire, Mayor, and N. Gauthier, Secretary-Treasurer of the Municipal Council of the County of Portneuf; praying for the repeal of the existing Municipal Council Act, and the re-enactment of the former Act establishing Local and Municipal Authorities in Lower Canada, with certain amendments.

Of George Poapst and others, of the Ninth concession of Cornwall; praying that a certain Survey in the said Township, made by John S. Bruce, Esquire, may be confirmed.

Of the Reverend James Jones and others, the Minister, Wardens, Members and Congregation of the Church of England, in the Township of Stanbridge, Lower Canada; praying for an increased aid in support of Bishop's College in the Diocese of Quebec.

Of Alexis Desautier and others, of the Parish of St. Antoine de la Rivière du Loup, County of St. Maurice; praying a grant of a certain sum of money for the construction of a Bridge over the large Rivière du Loup.

Of W.G. Cook and others, Trustees of the Charleston Academy; praying for aid in support of the said Academy.

Of Etienne Mayrand, Esquire, and others, of the Parish of Rivière du Loup, County of St. Maurice; praying for a certain grant of money to repair the Bridge over the Rivière du Loup.

Of Louis Clair, President, pro tempore, and P.E. Vezina, Secretary-Treasurer, on behalf of the Municipal Council of Three Rivers; praying that the control and management of the Common of Three Rivers may be transferred to the said Council, and also the power of remitting the arrears of cens et rentes and lods et ventes due thereon.

Of Louis Lampron and others, of the Town of Three Rivers; praying that the Municipal Council of the said Town may be invested with the control and management of the Common thereof, and with the power of remitting the arrears of cens et rentes and lods et ventes due thereon.

Of the Corporation of the College of L'Assomption; praying for an additional grant in aid of the said College.

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Of the Provisional Municipal Council of Kent; praying for the repeal of the Act 12 Vic. cap. 79, so far as relates to the Counties of Lambton and Kent, and the re-enactment of the 30th and 31st clauses of the Act 12 Vic. cap. 78.

Of James Blake and others, of the Township of Walpole; praying for the renewal of the Act of last Session, 12 Vic. cap. 101, appointing Commissioners to define the Boundary Line between the Townships of Walpole and Woodhouse.

Of the Great Western Railroad Company; praying for the passing of an Act to amend the Charter of the said Company, by authorizing Municipal Corporations to

take stock therein, or otherwise to assist in completing that undertaking.

Of the Reverend Antoine Racine and others, of Stanford and other Townships; praying for the imposition of a certain tax upon wild Lands, and the adoption of certain other measures tending to the improvement of the Eastern Townships.

Of the President, Vice-President, and Directors of the Quebec and Lake Superior Mining Association; representing the condition of and interference with their Mining operations on the shores of the said Lake, and losses sustained by them thereby, and praying the protection of the House against certain Indian claims and interference, and also for a loan of £12,500, to enable them to retrieve their said losses.

Of Louis Edouard Pacaud, Esquire, of the Town of Three Rivers, late Commissioner of the Court of Bankrupts for the District of Three Rivers; praying remuneration for services rendered in his said capacity, from 21st April, 1844, to 17th August, 1846.

Of Louis Comte, of the City of Montreal, mason; praying the passing of an Act to enable him to recover the payment of a sum of money due him for the erection of a Church and other buildings in the Parish of St. Edouard.

Of J.P. De Martigny, Esquire, and others, of the Parish of St. Hugues; praying that the 4th, 5th, 6th and 7th concessions of the Township of Upton may be separated from the District of Three Rivers, and united for Judicial purposes to the Circuit of St. Hyacinthe, and for Municipal purposes to the Parish of St. Hugues.

Of the Provisional Municipal Council of the County of Kent; praying for certain amendments to the Municipal Council Act 12 Vic. cap. 81.

Of William Turnbull and others, of the Township of Moore, County of Lambton; praying that the prayer of the Petition of William Vidal and others, for permission to shut up the Government grant for a Road along a part of the front lots of the River St. Clair, in the said Township, be not granted.

Of Samuel Bowman and others, of the County of Halton; praying for the adoption of such measures as may secure an extensive Retrenchment in the public expenditure of the Province.

Petition not received.

Pursuant to Order, the Petition of Rowland Wingfield and others, of the United Counties of Essex, Kent and Lambton, and others; praying for the passing of an Address to Her Majesty for the adoption of certain measures to release Canada from her dependent state, and allow her to become an Independent Sovereignty within herself, being read;<sup>1</sup>

MR. AT. GEN. BALDWIN moved that this petition, which was presented a day or two ago by Colonel Prince, should not be received. He hoped that this motion would receive the unanimous assent of the House.<sup>2</sup>

SIR A. MACNAB, rose and requested that the hon. member would not throw out the petition when the hon. member who presented it was not in the House.<sup>3</sup>

At that moment COL. PRINCE entered the House, and immediately addressed the Speaker. He said he had been informed out of doors, that the hon. Attorney General had moved that his petition should not be received. He could wish that the consideration of that question might be postponed for the present, and he would then be prepared to meet the Attorney General. He desired a postponement, because he expected to receive several other petitions of exactly the same nature<sup>4</sup> shortly<sup>5</sup>, and if it would not inconvenience the hon. Attorney General, he thought it would be better for him to move for their reception all at once, otherwise he was prepared to go on at once<sup>6</sup> to defend the petition if necessary.<sup>7</sup>

MR. AT. GEN. BALDWIN said, that in a case of this kind, there was, in his opinion, no time like the present. For his part he had not the slightest doubt as to what course he should pursue, from the very first moment that he heard of



the petition.<sup>8</sup>

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*The Honorable Mr. Attorney General Baldwin, moved, seconded by Mr. Malloch, and the Question being put, That the said Petition be not received;*

COL. PRINCE said that there was an intelligent and respectable community by whom he felt himself bound to present this petition, and<sup>9</sup> nothing was more common than for hon. members to postpone a motion, or the reading of a bill, without meeting an opposition<sup>10</sup>. He understood that the Attorney General had moved that it be not received<sup>11</sup>, and in his opinion there was very little sense, and very little courtesy in the Attorney General's motion<sup>12</sup>. I believe this is the first time that any act half so unjust, so uncourteous,<sup>13</sup> disgraceful,<sup>14</sup> and so despotic, has disgraced any country or any government; but it becomes the liberal Attorney General,<sup>15</sup> the leader of a Liberal Administration,<sup>16</sup> the great Reformer, the mighty champion of the people, it becomes that paragon of wisdom,<sup>17</sup> to stand forward with a motion,<sup>18</sup> to trample on the liberty of the subject, and vote down by subservient majorities the sacred right of petition<sup>19</sup> which ... disgraces for ever himself and his government. He (Col. P.) was not ashamed of his position, or of defending that petition<sup>20</sup>. Had the Attorney-General been as much of a reformer now as he has been in times past, he would never have put this motion. No.<sup>21</sup> Well did he know the day when the hon. Attorney General would have said "Amen" to<sup>22</sup> every word and sentence in it.<sup>23</sup>

MR. AT. GEN. BALDWIN--No, never.<sup>24</sup>

COL. PRINCE continued.<sup>25</sup> No petition more respectful to the House has ever been presented; and what is it for?<sup>26</sup> It was a paper couched in courteous, decent language, praying,<sup>27</sup> and respectfully praying<sup>28</sup> for good reasons enumerated in it,<sup>29</sup> Her Gracious Majesty to grant to Her Canadian subjects Independence from Imperial control; and<sup>30</sup> he was proud of stating<sup>31</sup> it is signed by<sup>32</sup> men who were fully equal to the hon. Attorney General in wealth, intelligence, and moral and political virtues.<sup>33</sup> And shall not the petition of such, be treated with respect? Is this to be denied them by the arbitrary and tyrannical despots who occupy the ministerial benches?<sup>34</sup> But he had no doubt that the learned gentleman would get up and make a long<sup>35</sup> set speech upon the seditious nature of the petition; he had no doubt but that the cry of "treason" would be sounded<sup>36</sup> as he had hinted in his letters in which he (Col. P.) was given to understand that he might incur the risk of a prosecution.<sup>37</sup> But, I defy him to point out any one treasonable word in the petition, and I dare him to prosecute. Let him attempt it, and I will turn him out of Court like a sheep-killing dog with his tail between his legs. Has the hon. Attorney General ever heard of the Bill of Rights, that great Palladium of British liberty. Does he know what it contains. Does he not know, that the fifth clause secures to the subject, the free exercise of the right of petition, and does he in defiance of that knowledge, dare to violate that sacred right. Does not the Attorney General know full well that<sup>38</sup> the best commentator on the law of England has laid it down as an axiom, that<sup>39</sup> the subject has an inherent right to present petitions to Parliament, provided the petition is respectful and the subject matter such, that the common law does not possess the power to redress.<sup>40</sup> Consequently it follows, that the people have a right, through their representatives, to petition even for the amendment of a constitution.<sup>41</sup> If then the common law has not the power to redress the grievances of which I and my fellow petitioners complain, I and they, have an inherent right to present this petition, and I demand that it be received.<sup>42</sup> Now who would say that that was a case which even the House could redress? It was one of those cases in which redress could only be obtained from the Imperial Parliament, by the removal of the great burdens under which he and the other petitioners laboured. Yet he had no doubt that the hon. gentleman would assert loudly that it was such a petition as they ought not to receive, although,<sup>43</sup> there was a time when the now right-loyal Attorney Gener-



al and his colleague on his left hand (Mr. Lafontaine) would have pressed the reception of this petition at all hazards, aye, and seen it out too<sup>44</sup>. But times were sadly changed, and fat berths of £1250 a-year had completely altered the politics of those hon. gentlemen; so that he had not the slightest doubt that, with all the dignity of Bashaws of three tails, they would set themselves in quiet opposition to him and his petition. But what reason could be alleged for its rejection?<sup>45</sup> I say this House has no power to reject any petition that is respectful, except for informalities or non-compliance with the rules of the House.<sup>46</sup> It could not be shown, and he defied them to attempt it, that, in the mode of drawing it out, it was in any one respect contrary to Parliamentary Rules. But the reason, if there were any, was on account of the prayer contained in it. However,<sup>47</sup> this is not the time to discuss the subject matter of the petition,<sup>48</sup> whether we should have independence or not. It was only a duty to the petitioners that he wished to perform,<sup>49</sup> but the time must arrive when it will be discussed; it may be to-night, and I give notice that if no other member brings up the question, in the shape of an amendment to the address, I will do so; for I long to give the hon. Attorney General an opportunity of explaining how his opinions have altered, for I have the proofs in my possession, and I, will use them, to show that the hon. gentleman was not always so devotedly loyal to Imperial power<sup>50</sup> previous to his getting a seat on the Treasury benches.<sup>51</sup> The pertinacity of the Attorney-General kept pace with his pay.<sup>52</sup> He had the documents in his possession, and he could prove it.<sup>53</sup>

MR. AT. GEN. BALDWIN.--Very good.<sup>54</sup>

COL. PRINCE continued. He said that the petition was drawn up in courteous language, strictly according to Parliamentary rule, and had been respectably signed; at the same time, he would admit that he had struck off several signatures, with his own hand, and with the consent of the parties themselves, and he had taken care to strike them out in such a manner, that they never could be recognized, for if they were, the poor devils, who had petty offices under government, would be devoured in the same fashion that the prey of the Alligator was devoured.<sup>55</sup> I conclude by demanding that this House shall respect the people's rights, and receive the people's petition.<sup>56</sup>

MR. PAPINEAU said that this was a most extraordinary case.<sup>57</sup> The hon. Attorney General's motion was so unprecedented, that he could with difficulty give credence to its reality. An hon. member's constituents desire to present a respectful petition to their Sovereign, and to transmit it through the medium of the Provincial Parliament, and a motion is made by which this intermediate menial body is to step forward and interfere with<sup>58</sup> and interrupt<sup>59</sup> the right of the subject to petition, and to prevent the Sovereign from being made acquainted with the wishes of the people. And who was it that brought forward this motion? Who were these trampers down of the liberty of the subject--these trespassers against the rights of the people--these violators of the most sacred of all rights, the right of petition? Who were they? Why, the Ministers of the Crown<sup>60</sup>, who make a public boast of their reform principles,<sup>61</sup> and thus dared to violate all constitutional law<sup>62</sup> who, in the House and out of the House, had, either from a total ignorance of the first principles of constitutional law, or through a mere wanton exercise of power, placed themselves in such a position, that they could not expect this session to pass over without being called to<sup>63</sup> strict<sup>64</sup> account for their numerous acts of tyranny and oppression.<sup>65</sup> This attempt, on the part of the hon. Attorney General, to suppress the right of petition was infamous<sup>66</sup>, impious and atrocious--a sort of conduct that was unequalled (hear, hear.)<sup>67</sup>, but it was only one of the many of his arbitrary and unconstitutional acts, and a fit sequel to his atrocious conduct in interfering with the freedom of election; by sending<sup>68</sup> letters in his own name to an hon. member of that house, on the eve of his election, threatening him with the loss of his favor in the event of his pursuing a particular line of conduct. The man who was guilty of such a gross infraction of the

liberties of the subject was not only unworthy a seat as member of the Cabinet, but he was even unworthy a seat in that house.<sup>69</sup>

Laughter, and ironical cheers from the Ministerial Benches.<sup>70</sup>

MR. PAPINEAU continued: He not only in the one instance endeavoured to bring his petty authority to interfere between a candidate and his constituency, but he now steps forward to interpose between the Sovereign and the people; and the country is told that they must quietly submit to the dictation of the Ministers of the day, and the members of that House were told to hold their tongues and patiently see themselves deprived of every vestige of independence.<sup>71</sup> In every case, the same design on the part of the Ministry was observable, to crush the slightest appearance of independence in members or in their constituencies.<sup>72</sup> He held that all have an equal right to it.<sup>73</sup> It was only the day before yesterday that they trampled under their feet the rights of individual members by refusing to allow an hon. member leave to introduce his bill, under the pretence that it would interfere with some project of their own, although it was impossible for them to be acquainted with its merits as it had not been printed, nor even read to the House.<sup>74</sup> He would tell honourable gentlemen opposite, that not a single right belonged to the Cabinet which did not belong to every member of the House, and yet they were told you shall not do this and you shall not do that: you shall not present this petition; nor shall you introduce such and such measures, because they are contrary to our wishes, and therefore they shall not be entertained.<sup>75</sup> How different were the sentiments of the learned Attorney-General when in the opposition.<sup>76</sup> What was the intention of the Ministry? Did they suppose they could stifle discussion on the question, or on the address, or on any of the other numerous questions which would give hon. members an opportunity of reviewing their conduct ever since they, by using every exertion, had got themselves into power? Did they imagine that hon. members were imbued with so deep a reverence of old forms and old constitutions, that they were to sit passively and approve of what others were hired to applaud and approve of. Was it not enough that<sup>77</sup> through their vile and corrupt hirelings of the press they insulted all both in and out of the House who were opposed to them, and were they now to deprive them of the right to be heard when they desired to complain of their atrocious tyranny?<sup>78</sup> Had they not paid premiums to guilt, provided it were at their feet in adulation? Had they not neglected their official duties, which were performed for them by hired partizans, in order that they might have leisure to attend to political intrigues? Had they not disrupted and vilified everything with which they came in contact--and did they now imagine that it was in their power to reduce that house to the same degree of abasement to which they had taken themselves?<sup>79</sup> Did they imagine they would not be made to answer for their attempts to destroy the liberties of the country which they had sworn to defend? But to return to the subject of the presentation of the petition<sup>80</sup>, they would, no doubt, make every exertion to prevent that petition being laid on the table, and it was not impossible that it might be thrown out for want of sufficient support, but<sup>81</sup> he (Mr. Papineau,) doubted if the House had the power to reject it; it was not addressed to them; they were simply solicited in respectful language to lay it at the foot of the Throne.<sup>82</sup> Hon. Gentlemen should remember that, as had been repeated several times, it was strictly according to Parliamentary rule in every respect<sup>83</sup>. It might be that the subject matter was foreign to their feelings; it might be that they would reject its prayer unanimously<sup>84</sup>. He did not say that Ministers ought to vote for this measure; nor, on the other hand, ought they, by prejudging the matter of the petition--which is not the question--violate a most important principle. They ought to treat the prayer of the petition at least with respect.<sup>85</sup> Its prayer was sanctioned by the reiterated statements of the ablest English statesmen, that the detention of Canada, after the other Provinces



had become independent, had been a source of ruinous expense to England.<sup>86</sup> In the conduct of the Ministry we have an instance of sadly abused power. They seem to act with as much recklessness as they would do if the retaining of their seats lay within their own control. They ought to remember that they have to give an account of their quibbling to the people, who have the power of canvassing their conduct. They seem to be blind admirers of the acts of '63, and of times when tyranny predominated. Corruption may have blinded them. He thought that this act of theirs had no parallel for injustice and tyranny in any part of our history, not excepting the times of Jeffrey and James. Ministers of the Imperial Cabinet would never commit such injustices.--Did not, and do not, the Ministers of the Imperial Government acknowledge the independence of the United States?<sup>87</sup> There was not a great statesman in England ... who did not admit the incapacity of England to govern the old colonies.<sup>88</sup> If English Statesmen would allow such opinions, what possible danger could there be in laying that petition on the table?<sup>89</sup> Toutes les constitutions sous lesquelles on a tour-à-tour courbé le Canada, en 1759, 1774, 1791, comme en 1840, sont-elles donc si admirablement bonnes qu'il ne soit pas permis de les changer? La Chambre aura-t-elle si peu conscience de sa dignité personnelle pour permettre aux membres du Cabinet de la plier aussi facilement à leur capricieux despotisme?<sup>90</sup> But tyrants were always cowards, and he supposed these Honourable Gentlemen<sup>91</sup>, who in former times rejoiced in the name of Liberals and Reformers, and whose loyalty was looked upon as very doubtful,<sup>92</sup> have now<sup>93</sup> in office,<sup>94</sup> to atone for their struggles in the cause of freedom by an extraordinary display of lip-loyalty and servility; and these men dare call themselves Reformers while they do deeds which put honest men to the blush.<sup>95</sup>

Hear, hear, from both sides.<sup>96</sup>

MR. PAPINEAU continued. They ought not to begin atoning for their former honorable conduct by acting disgracefully now in putting such a singular motion--so singular, that he observed that it excited the surprise of one who, of all others, is most acquainted with parliamentary procedures--he meant the hon. speaker.<sup>97</sup>

MR. INSP. GEN. HINCKS rose and said, the hon. Speaker called attention to a singular petition, not to a singular motion.<sup>98</sup>

MR. PAPINEAU--It is plain the Speaker meant the motion in conjunction with the petition<sup>99</sup>.

No, no, from Ministers.<sup>100</sup>

MR. PAPINEAU had understood different<sup>101</sup>. For his part, he believed the country was duped by the Ministry--by the very men who voted for the 92 resolutions--by those who professed to be advocates of a rational and enlightened system of government.<sup>102</sup> They had duped the country<sup>103</sup> and they duped him.<sup>104</sup>

Loud laughter from all sides of the House.<sup>105</sup>

MR. PAPINEAU continued: Who saw in them the men of former days--the men who so ardently longed for Elective Institutions<sup>106</sup>.

Cheers from the Opposition<sup>107</sup>.

MR. PAPINEAU continued: The men who had voted the Ninety-two Resolutions<sup>108</sup>. Renewed cheering by the Opposition<sup>109</sup>.

MR. PAPINEAU continued: The men who declared that until the Elective principle was carried they could not vote for the onerous link which bound this country to Imperial Rule?<sup>110</sup> How strange to see Ministers, who formerly supported principles similar to those which he advocated reprobate their former conduct.<sup>111</sup> Was



it from ((such)) ... men ... that he should have expected such a mode of procedure? Now, they are perfectly satisfied with the despicable system, which they call Responsible Government, but under which every day practice proves that they are nothing but responsible, and that in spite of all their protestations--and in fact in direct opposition to the whole tenor of their political life before the union; but he was<sup>112</sup> glad to see them daily becoming infamous--daily committing iniquity, because by this conduct they were daily destroying themselves.<sup>113</sup> It made them infinitely more ridiculous than anything else could have done<sup>114</sup>, and he was convinced that if 3 years ago, the hon. gentlemen opposite, had stood out at the poll upon such frivolous and mean quibbling and conduct, most of those seats would not now be filled by them.<sup>115</sup> The popularity of the Government installed only two short years ago, by a majority of three to one, was already on the wane; and when they go to the people for re-election, not on the paltry question of who is in or who is out of power, but to give an account of their misdeeds since they acceded to place; to have their merits and the merits of Responsible Government decided by the country,<sup>116</sup> they will be weighed, tried, and found wanting for their acts during this session, and they will prove that in working this system, which is radically bad from its first clause to its last, no set of men could be trusted in.<sup>117</sup> They had too often forfeited the good opinion of the country. Till then they might go on, certain that they would be upheld in anything they might do. They might cause petitions to be rejected, and give no reason for it.<sup>118</sup> Let us see if they will cast out this petition without sufficient reason.<sup>119</sup> ((But soon)) there would be an end of the Baldwin-Lafontaine administration, or rather he should say the Lafontaine-Baldwin administration<sup>120</sup>. He had been laughed at for terming this the Baldwin-Lafontaine Administration, and told that it ought rather to be called the Lafontaine-Baldwin Cabinet, and indeed<sup>121</sup> he would infer, from the dictatorial spirit of the Attorney General East, that<sup>122</sup> Lafontaine was the ministry; there is no head like his to be found; it was the Lafontaine-Baldwin ministry.<sup>123</sup> The hon. Attorney General East appeared to be the first premier with the power of rewarding at will.<sup>124</sup> He it was who rewarded the violent scribblers of Lower Canada for their dirty work in vilifying his opponents and bepraising him.<sup>125</sup> There was an instance in point, and he would mention it.<sup>126</sup> He would here refer Ministers to the disgraceful conduct of one of their supporters<sup>127</sup>. One of these despicable Lower Canadian scribblers, a member of the bar of the lowest rank, and a member of that House,<sup>128</sup> who employed his<sup>129</sup> scandalous<sup>130</sup> newspaper in vilifying all those opposed to the government, had been appointed Law officer in the Trinity Board, not so much apparently for the purpose of rendering services to the Trinity Board as to obtain a reward<sup>131</sup> for his lying scurrilities,<sup>132</sup> his services to Premier the first,<sup>133</sup> and this man who ministers select as one they delight to honour was guilty of bringing scandal on the name of a representative,--of bringing scandal on the name of Parliament. But is he alone guilty? No! If he has received money to present petitions to this house,--if he has prostituted his position as a member of this house,--if he has received money for bringing bills into this house, and getting them passed, he has done so with the knowledge of his masters, who look on and reward a man who stands convicted in a court of justice; who is branded by a court of justice; for when he dared to sully the purity of the law by bringing an action for the recovery of the bribes he had basely earned, under the plea that the amount sought was for value received, the Judge told him it was not value received of him, the Attorney, but value received of Parliament<sup>134</sup> and that he was guilty of a dereliction of duty by taking such a part as prevented him from giving his vote for the public benefit.<sup>135</sup> And this man who had voted for bribes, who had worked for bribes, is the great pillar to which ministers cling in Lower Canada, and there are the hirelings of the press who cry, Oh, Mr. Lafontaine is not changed, Ministers are not changed, they are still the men who voted the ninety-two resolutions, still the great Reformers of the age<sup>136</sup>. But how different is the result--

they place some man like the hon. Attorney General in office, and then taxation, and tyranny follow. They call men to office, who were unable to perform their duties and they hatch some new fangled doctrines<sup>137</sup> of which we have heard so much so often,<sup>138</sup> which demoralise the heart,<sup>139</sup> and which makes all who meddle with it cormorants on the public purse<sup>140</sup>, to struggle and strive with each other for plunder, and to tyrannize over the House, the Governor General and the people.<sup>141</sup> Good men could not work the present system. The great measures before the House had been postponed last Session; and now they could not be introduced because it did not please ministers. If they wished to keep their power, the way to do so was not by those excesses into which they are constantly running, and of which they give so marked an example in preventing the introduction of a bill the other day, and in the present attempt to prevent the receipt of this petition.<sup>142</sup> He would not at present go into details, in discussing the shamelessness of rejecting this petition; but he would protest against their conduct, and remonstrate with them, and he would fearlessly say that they had not the power to prevent petitioning for redress of grievances.<sup>143</sup> The Ministry must understand that they no longer possess the confidence of the people.<sup>144</sup> He would tell them that at the last election, they stood on a majority of 3 to 1, but soon they will find that they will have no more opportunities of disappointing the country.<sup>145</sup> They must understand that the next election will drive them from the government. And the hon. Attorney General East should also understand that he is henceforward rejected by the country (sic) in which he was born, and which stood by him through good and through evil, but which he deserted, in order to gratify his vanity with an election for the city of Montreal; and even there he has lost his power, for his hon. colleague<sup>146</sup>, Mr. Holmes,<sup>147</sup> had met with a general approval of the manly course he had adopted, as far as the people dared to express themselves. He would therefore advise that hon. gentleman and the other members of the cabinet to accustom themselves to consider this subject, so that they need not be surprised when their inevitable doom did arrive.<sup>148</sup> After discussing the conduct of Lords Durham and Sydenham, and entering at considerable length into the enormities of Responsible Government, and assuring Mr. Lafontaine that his power in Lower Canada was at an end, and that his Ministry must prepare to give way to their successors, Mr. Papineau reiterated his belief that the house could not reject the petition before them, and sat down.<sup>149</sup>

COL. GUGY rose and said,<sup>150</sup> he could have no hesitation in admitting that the general rule was in favour of the honourable member for Essex.<sup>151</sup> But the question before the House was, whether they should allow the question to be discussed or not, and there could be no doubt that the house possessed the power<sup>152</sup> to interfere in certain cases where the welfare of the community appeared to be in danger. And in his opinion, if there was one question more than another<sup>153</sup>, the discussion of which could lead to nothing but anarchy and confusion....<sup>154</sup> (Hear, hear.)<sup>155</sup>

Cheers from both sides of the House.<sup>156</sup>

COL. GUGY continued:--and he could not sufficiently express his regret that<sup>157</sup> a petition of the nature now sought to be thrust on the House should have been found in the hands of the hon. member for Essex<sup>158</sup>. For that reason he was prepared to support the motion of the hon. Attorney General<sup>159</sup>. The reason the Hon. Gentleman assigned for asking for delay, namely, that in a few days he expected to receive several other petitions to the same effect, was with him a conclusive reason for denying him the introduction of the present one.<sup>160</sup> It appeared to him to be still more necessary to take steps at once to convince the country, that they would not permit it to be necessarily agitated<sup>161</sup>, and it became this House to be on their guard, lest they should set a bad example, by not dealing properly with the present one.<sup>162</sup> It is time they should decide the question<sup>163</sup>. He looked upon it as a most insane project to propose at this moment the independence of the Province.<sup>164</sup> What is the immense number of our army--where is our navy<sup>165</sup>,



where the Ordnance<sup>166</sup>, that would enable us to take the proud stand of independence?<sup>167</sup> Where your Treasury?<sup>168</sup> Or the men to draw up such a constitution as would withstand the shocks to which it would be subjected?<sup>169</sup> If we had it this moment, ere twenty-four hours would elapse, it would perish before the dominating spirit of the United States<sup>170</sup>. He did not mean to say that the regular army of the States would be employed to subdue you; but the moment the protection of Great Britain was withdrawn, you would be overrun by a band of loafers and robbers from the neighbouring Republic who would destroy your country.<sup>171</sup> He did not wish it to be understood that he imputed to any man--and more especially to the hon. member for Essex--a desire to bring about such a state of things. He only<sup>172</sup> predicted that such would be the inevitable<sup>173</sup> and necessary<sup>174</sup> consequences of the doctrines enunciated in the petition, the reception of which was under consideration. He desired to apprise the Ministry that they would have from him the most unqualified support in all their measures to preserve their allegiance to their Sovereign, and to maintain peace and order in the Province<sup>175</sup>, and he could assure them that he did not care what class of men stood up in defence of their allegiance, he would stand by that class, and support them through thick and through thin. He had always said so in private, and he was happy of having that opportunity to make his opinions public.<sup>176</sup> Who could tell all the consequences of this insane project. We are now the freest people in the world.<sup>177</sup>

Hear, hear, from COL. PRINCE.<sup>178</sup>

COL. GUGY continued: A good Government, with but slight taxation, and it appeared to him that we ought to take pride in the consideration that we<sup>179</sup> may call ourselves Englishmen, for we have all their privileges<sup>180</sup>, and can boast, as subjects of that great empire, that we have a thousand ships on the sea, and a hundred thousand soldiers under arms to protect us<sup>181</sup>, without expense<sup>182</sup>, in the full enjoyment of our rights and privileges,<sup>183</sup> against all aggressors and in all countries.<sup>184</sup> Will we, then, forego all this for a mere whim?<sup>185</sup> It was an insane attempt to force this petition on the loyalty of the House.<sup>186</sup> He confessed that he looked upon this attempt on our liberty with the utmost indignation, and apprehended that the course taken by the government could not be objected to with any propriety. What would be thought of a man, who should rise in the Imperial Parliament, and propose that the United Kingdom should be annexed to Russia?<sup>187</sup> Would the petition be listened to for a moment? No; it would be met at the very door.<sup>188</sup> Why he would be looked upon at once as a candidate for the straitwaistcoat and the dark cell. And he held that that was a case precisely analogous to the present. Now, he did not rise to defend the ministry; throughout his whole political life, he had been opposed to them, and he still reserved to himself that right, whenever he should think proper to exercise it,<sup>189</sup> and would likely oppose them again on great and important measures, yet he thought it his duty now to support them<sup>190</sup>, but he should be happy to know what bearing the remarks of the hon. member for St. Maurice had on this question. The Government may have damaged themselves in the opinion of that hon. gentleman, or of those who think with him, but that was not the question at issue.<sup>191</sup> Is it because this or that man at the head of Government has not acted thus or so, that we should bandy treason and broach revolution? we have to depend upon the present Ministry for the preservation of order--they foster our commerce, procure the pecuniary assistance that we may find necessary, and further immigration, and until we can by fair means, remove them at the Hustings, it was our duty to support them in the suppression of treason--as to their prosecuting for treason, he would not be sorry, or think it unjust, if they made an example.<sup>192</sup> And it must be admitted that the Government had preserved order throughout the entire Province, and that the merchant, the mechanic and the farmer could pursue their different callings in peace and security, and that fact in his opinion ought at least to gain them some credit with the hon. member.--He would conclude with observing that an intimation



on the part of the government, was not always followed out, but he should not be surprised, and (looking directly at Col. Prince) he must say he would not be grieved to find that an example was made of some one.<sup>193</sup>

MR. M. CAMERON (Kent) was not prepared for the course that had been adopted on the present occasion.<sup>194</sup> ((He)) was sorry that the petition had been presented, but could not but defend the inalienable right that every British subject possessed of petitioning Parliament on any subject.<sup>195</sup> The question before the House was an important one, and although<sup>196</sup> he knew he<sup>197</sup> very possibly would be assailed with taunts and jeers for the course he was about to take<sup>198</sup> on this occasion of advocating the reception of the petition; but he never had shrunk from performing what he considered to be his duty,<sup>199</sup> much less would he do so on the present occasion. The hon. Attorney General's motion, he confessed, took him by surprise.<sup>200</sup> The hon. gentleman ... had been induced to do it; but he could not understand for what reason.<sup>201</sup> He had no doubt, however, that it was well considered by the hon. gentleman, whom he believed to be better acquainted with Parliamentary practice than any one else on the floor of the House;<sup>202</sup> but yet he thought him mistaken in the course he pursued on the present occasion, and thought the effect would be to throw a doubt on the subject's right to petition, and he regretted that such a course should have been taken.<sup>203</sup> From all he had read, he was firmly convinced that the subject had a perfect right to petition on any subject which he pleased. He believed that there was one precedent for an opposite course, derived from the practice of the neighbouring States, where the senate once refused to receive a petition praying for the amelioration of the condition of two millions of human beings, and he well remembered how<sup>204</sup> John Quincy Adams had at one time stood alone in defending the right of petition, a course which he continued to pursue, and by which he endeared himself to every lover of freedom.<sup>205</sup> The hon. gentleman then referred to the practice in the Imperial Parliament,<sup>206</sup> he would yield to no man in loyalty to the British constitution. He approved entirely of the course Ministers had pursued in making the dismissals from the militia and the magistracy, and if that question came up, they should have his hearty support; but while he held firm by his loyalty to his Queen, he could not forget his duty to the people, and must support their right to petition their Sovereign, or that House, on any grievance, either real or fancied, and he held that the people had a right to petition to alter their constitution, and Ministers must believe so too, unless they entertained the exploded doctrine of the divine right of kings. Petitions from all kinds of people were received by the Imperial Parliament<sup>207</sup>. The House of Lords in England, and the House of Commons, received petitions of the Socialists, who wished to abolish marriage,<sup>208</sup> in which the<sup>209</sup> existence of the Holy Trinity was denied, or in which the Creator was termed the "monstrous God."<sup>210</sup> Lord John Russell did not try to prevent the reception of the petitions. The Bishop of Exeter explained the horrible tendency of their doctrines; yet he was willing to refer their petition to a committee, that these doctrines might the more effectually be repudiated.<sup>211</sup> The hon. gentleman here went to prove that the British House of Commons never rejected petitions, and contended that the people's right of petition was sacred.<sup>212</sup> On a still later occasion, when the petition of the Chartists for the "five points" was to be presented, Lord John Russell did not object to its reception, although it involved a question which was eminently revolutionary and dangerous, but merely desired that no particular day should be named for it in order to avoid a tumult. Now, although this petition was no doubt revolutionary, the people had just as good a right to say that they wished to throw off their allegiance as the hon. member who had spoken last, had to make use of a similar expression last session.<sup>213</sup>

COL. GUGY arose and<sup>214</sup> explained away the meaning of the words, which he was charged with using.<sup>215</sup>

MR. M. CAMERON continued.<sup>216</sup> He declared that no man entertained stronger feelings against the Annexation movement than he did himself.<sup>217</sup> He had read the petition twice over to-day and he could see nothing disrespectful in it and further, that he was acquainted with<sup>218</sup> only five of the petitioners, including Col. Prince, and they were all persons of respectability, but he was under the impression that in the Western Country there were not over 25 or 30 gentlemen of respectability in favour of independence or annexation. He had attended<sup>219</sup> numerous public meetings in the County of Kent, at all of which he had argued against<sup>220</sup> annexation on the same grounds as the hon. gentleman who preceded him. But by some means or other<sup>221</sup> for some purposes of their own,<sup>222</sup> the reporters had never given him credit for his testimony in their favour<sup>223</sup>, ((and)) had suppressed all notice of this fact, while they promulgated through the means of their respective papers any thing they thought might tend to injure him in the eyes of the community.<sup>224</sup> He had then, speaking as a commercial man, said, and he believed still, that we would have nothing to gain by a union with the United States<sup>225</sup>. He did not believe in independence producing a vast amount of good;<sup>226</sup> and that we are substantially the freest people on the face of the earth. But in spite of all that, he did not think that the right method to deal with this case was to trample at once on the rights of hon. members, and on the rights of the people<sup>227</sup> by refusing to discuss the question.<sup>228</sup> It had been said by a great political writer that a people can never lose their independence till the forms of Parliament were used to enslave them. The forms of Parliament had already been used most tyrannically, in preventing the introduction of a bill on the subject of retrenchment and pensions, introduced by the member for Norfolk. (Hear, hear.)<sup>229</sup> He never knew the House to commit such a gross outrage as that<sup>230</sup>. He had been served himself in a similar manner last Session, by having a Bill thrown out on the first reading, and hon. members might rest assured, that he did not take such treatment very<sup>231</sup> patiently.<sup>232</sup> The proper course to have taken with that petition would have been, not to have said a word about it.<sup>233</sup> The masses could not be affected by such a very innocent petition as that of Colonel Prince's<sup>234</sup>. It was not written in such a style as to have much effect upon the house, for still greater efforts had failed of success. Men of great influence had held meetings, hired presses, circulated addresses--in fact, taken every means to agitate the masses, and yet had failed, for the simple reason, that the masses were sound to the core, and their loyalty could not be shaken.<sup>235</sup> He hoped, then, the hon. Attorney General would withdraw his motion, and allow the petition to lie neglected and unnoticed on the table.<sup>236</sup>

MR. H. SHERWOOD said, it was not his intention to have spoken on the occasion, the better course would have been to have avoided all discussion and taken the vote in silence. He was as strong an advocate for the people's<sup>237</sup> full right of petition,<sup>238</sup> as any member of that House,<sup>239</sup> but there are actions and times when petitions ought not to be heard by the Government.<sup>240</sup> He knew that cases had occurred, when the House of Commons, and even the Senate of the United States, had thought it necessary, in order to preserve peace and good order, to arrest a petition on the very threshold. And, in his opinion, this was a similar case.<sup>241</sup> The United States' Congress ... met at the very door, a petition for the abolition of slavery and refused to hear it.<sup>242</sup> He did not allude to the Slavery petitions to Congress, in which Congress was wrong, but to others.<sup>243</sup> Hon. Members should remember that they were not given their seats in that House for the purpose of procuring a separation from Great Britain, but<sup>244</sup> rather the reverse,<sup>245</sup> to maintain the existing connection, and to carry into effect such reforms as may be necessary to the well being of the Province.<sup>246</sup> After we have sustained and strengthened that connection, then we might set about the improvement of the constitution.<sup>247</sup> Were they in discharge of that duty to lend their aid to destroy that which they were sent there to protect, would they be doing their duty to their constituents who had sent them there to maintain inviolate the British Con-



stitution, if they received that petition. Would it not be saying that the question of Independence was one on which they might take action--one on which they might argue, and he denied the power of the House to entertain the subject at all, and as the Government had come forward to maintain that principle, he felt it his bounden duty to give them his hearty support<sup>248</sup> notwithstanding some considered the motion such flagrant injustice. He was not certain about the injustice of refusing petitions of such a nature as this. Suppose that a petition were presented for the annihilation of the Christian religion--should it be listened to?<sup>249</sup> Would they allow it to lie on the table?<sup>250</sup> He admitted to its fullest extent the people's right to petition, but that House had also its rights, and one was the right to refuse any petition the subject matter of which, was such as they could not discuss or entertain.<sup>251</sup> He did not intend to discuss the question in one way or the other, but<sup>252</sup> he thought the motion of the hon. Attorney General a very proper one, and he should give it his warm support--. Some few designing or discontented individuals, might attempt to plunge the country into confusion, or might advocate treasonable doctrines, but they would find that that House was resolved at all hazards to maintain British Connexion.<sup>253</sup> At the same time he wished it to be distinctly understood, that ... the petitioners should not be liable to any degree of punishment. All that he claimed was the right, a right which he would never consent to yield up, to check the progress of a petition, whenever he thought fit to do so.<sup>254</sup>

(9)

The House divided; and the names being called for, they were taken down, as follow:--

YEAS.

Messieurs Armstrong, Badgley, Attorney General Baldwin, Bell, Boulton of NORFOLK, Boulton of TORONTO, Bouthillier, Burritt, Cameron of CORNWALL, Cartier, Cauchon, Cayley, Chabot, Christie, Davignon, Solicitor General Drummond, Duchesnay, Dumas, Fergusson, Flint, Fortier, Fournier, Fourquin, Gagy, Guillet, Hall, Hincks, Hopkins, Jobin, Johnson, Lacoste, Attorney General LaFontaine, Laurin, Lemieux, Sir Allan N. MacNab, Malloch, McFarland, McLean, Merritt, Méthot, Mongenais, Morrison, Nelson, Polette, Price, Richards, Robinson, Scott of TWO MOUNTAINS, Seymour, Sherwood of BROCKVILLE, Sherwood of TORONTO, Smith of DURHAM, Smith of FRONTENAC, Smith of WENTWORTH, Stevenson, Taché, and Thompson.--(57.)

NAYS.

Messieurs Cameron of KENT, DeWitt, Holmes, McConnell, Papineau, Prince, and Sanborn.--(7.)

So it was resolved in the Affirmative.

Standing Committees.

The Honorable Mr. Attorney General Baldwin, from the Select Committee appointed to prepare and report Lists of Members to compose the seven Standing Committees ordered by this House, reported, that they had prepared Lists of Members accordingly; and the same were read, as follow:--

1st.--On Privileges and Elections.--The Honorable Mr. Attorney General Baldwin, the Honorable Mr. Sherwood, Mr. Bouthillier, the Honorable Mr. Cameron of Cornwall, Mr. Cartier, Mr. Chauveau, Mr. Fergusson, Mr. Solicitor General Macdonald, and the Honorable Mr. Papineau.--(9.)

2nd.--On Expiring Laws.--The Honorable Mr. Boulton, Mr. Burritt, the Honorable Mr. Chabot, Mr. Dickson, Mr. Solicitor General Drummond, Mr. Duchesnay, Mr. Lyon, Mr. Meyers, and Mr. Stevenson.--(9.)

3rd.--On Railroad and Telegraph Lines.--Mr. Cauchon, Mr. Gagy, Mr. Holmes, Sir Allan N. MacNab, Mr. McFarland, Mr. Mongenais, Mr. Perry, Mr. Prince, the Honorable Mr. Robinson, Mr. Scott of Bytown, and Mr. Taché.--(11.)

4th.--On Miscellaneous Private Bills.--The Honorable Mr. Badgley, Mr. Dumas, Mr. Fortier, Mr. Lemieux, Mr. Morrison, Mr. Polette, Mr. Seymour, Mr. Sherwood of



Brockville, and Mr. Wilson.--(9.)

5th.--On Standing Orders.--Mr. Armstrong, the Honorable Mr. Cameron of Kent, Mr. Laurin, Mr. Notman, Mr. Ross, Mr. Sanborn, Mr. Sauvageau, Mr. Smith of Frontenac, and Mr. Watts.--(9.)

6th.--On Printing.--Mr. Egan, Mr. Flint, Mr. Hall, the Honorable Mr. Hincks, Mr. Hopkins, Mr. Lacoste, Mr. McConnell, Mr. McLean, and Mr. Méthot.--(9.)

7th.--On Contingencies.--Mr. Bell, Mr. Christie, Mr. DeWitt, Mr. Jobin, the Honorable Mr. Laterrière, the Honorable Mr. Macdonald, Mr. Malloch, Mr. Richards, and Mr. Smith of Durham.--(9.)

Ordered, That the said Report be taken into consideration on Monday next.

On motion of Mr. Smith of Durham, seconded by Mr. Morrison,

Queen's Bench  
and District  
Courts (U.C.)  
Records.

Resolved, That an humble Address be presented to His Excellency the Governor General, praying that His Excellency will cause to be laid before this House, a Return of the number of Queen's Bench Writs of Mesne Process and Execution issued throughout Upper Canada

during the year previous to the establishment of the Court of Common Pleas, as well as the Judgments entered therein; also, the number of Records entered during the same period by the various Clerks of Assize, and the amount of their respective charges thereon, and of their charges against the Government for Criminal

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business during that time; also, for a similar Return of Writs issued, Verdicts rendered, and Judgments entered in the several District Courts of Upper Canada, and of the emoluments received by the various Clerks thereof, including their fees in Bankruptcy for that year.

Ordered, That the said Address be presented to His Excellency the Governor General, by such Members of this House as are of the Honorable the Executive Council of this Province.<sup>255</sup>

MR. MORIN the SPEAKER ... ((drew)) attention to the orders of the day.<sup>256</sup>

SIR A. MACNAB asked, before the orders being read,<sup>257</sup> if Ministers intended to give the House any information on the late changes in the Administration<sup>258</sup> and in particular that they will afford to this House and the Country some definite explanation of the circumstances which have led to the retirement of the late Commissioner and Assistant Commissioner (sic) of the Board of Works from office, and from the Seats held in Her Majesty's Executive Council by those Gentlemen?<sup>259</sup> He believed this was the usual time to put such questions.<sup>260</sup> He found no notice of them in the Speech.<sup>261</sup>

MR. AT. GEN. BALDWIN said there was no precedent for that nor for the inquiry that had been made<sup>262</sup>; such an enquiry required notice, and the gentlemen themselves would take it up; it was not for the ministry to do so.<sup>263</sup>

SIR A. MACNAB said, that all precedents were in favour of these explanations being given previous to moving the address, and he thought that the House and the country had a right to demand them, he should therefore put a motion on the file, that he should on Monday put questions to the Ministry relative to the resignation of the late Commissioner and Assistant Commissioner of the Board of Works, and he did so accordingly.<sup>264</sup> When those matters were the talk at public dinners and public meetings, he thought it due to the House to be furnished with some information too.<sup>265</sup>

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Speech con-  
sidered.

The Order of the day for taking into consideration the Speech of His Excellency the Governor General, to both Houses of the Provincial Legislature, being read;

*The House proceeded accordingly to take the said Speech into consideration.*<sup>266</sup>

MR. FERGUSSON said that the subjects treated of in the Speech from the Throne were all of interest and importance, but he thought that he would not do his duty did he not express his sorrow that<sup>267</sup> some of the most grave and important questions of the day; such as the Clergy Reserve question,<sup>268</sup> Rectories<sup>269</sup>, and others of a like nature<sup>270</sup> had not a place in it.<sup>271</sup>

Hear, hear, from both sides of the House.<sup>272</sup>

He MR. FERGUSSON trusted, however, that the Administration were fully prepared with reasons for its omission. At the same time he did not think it wise to embarrass the Administration on account of their silence on the subject, but that it would be better to await the event of the measure to be introduced as promised by the honourable Commissioner of Crown Lands. Every one would join in the regret expressed in the speech, for the death of her Majesty, Queen Adelaide, on account of her many virtues. With reference to the removal of the seat of Government, he did not wish to recur to the disgraceful scenes of last session; he would merely express a hope that the perpetrators themselves were ashamed of the part they had acted.<sup>273</sup> He considered that His Excellency had but carried out the expressed wishes of the House.<sup>274</sup> Nobody could doubt that the abolition of the navigation laws would be of advantage to the province, and would tend to encourage emigration to this country; not the pauper emigration he trusted, of 1847, but that of a more respectable class. It was of the utmost importance that our great chain of waters should be more extensively used than heretofore--which would make our public works yield a large surplus revenue. It certainly ought to afford us all satisfaction that our financial credit was improving in the English market, no reason existed why we should not stand as well there as others; if we did not do so it was certainly our own fault. He believed that the Province was in a highly prosperous condition; and when people persisted in saying that the country was going to ruin and decay, he thought it the duty of all, and particularly of the Legislature, to cast back these slanders on those that invented them, and declare their conviction that the people of Canada are as favourably situated as they could be any where else. Reciprocity also was of the utmost importance, and so too, was the subject of the Post Office. It was only reasonable and just that it should be placed in the hands of the Provincial Government as well as other departments of the public service. The next subject alluded to was the most important mentioned in the speech, that of increased representation. There were two reasons for desiring this measure, 1st, the Representative body was too small, and 2nd, because many of the constituencies were too large. The first excluded many persons who would prove useful to the country, and there was likewise no doubt that a small body was more liable to render an improper influence than a large one. The disproportion in the numerical strength of the constituencies was very great. He had good right to speak on that subject, as he represented a constituency containing some 40,000 souls. It was desirable that this should be changed, because local questions often arise on which it was impossible for any one person properly to represent conflicting interests. He trusted that the question of Electoral Divisions would not be mixed up with that of Municipal Divisions, as was done last session. The next subject mentioned was the Penitentiary and Prisons, and he was glad to see an allusion made to one of the most striking movements of the age, that of the abolition of capital punishment. He was rejoiced that Canada was not behind other countries in this matter. He wished that the exhibition of the products of Canada at the exhibition at London, in 1851, might be creditable to the province, and would show to the people at home the capabilities of the province. He (Mr. F.) had not seen the new rules of the Court of Chancery, but was informed that they would effect the most sweeping reforms in the practice of the Court, which he was glad to hear, as there was no doubt that sweeping reforms were much required. The promised increase in the



jurisdiction of the lower courts was very much required. He could state decidedly from his own experience as a judge of one of these courts, that their jurisdiction might be increased with the utmost safety and with great positive advantage to suitors. He was of opinion also that the proceedings of all the courts ought to be simplified. The Jury law was also to be amended, he was glad to see. Few would deny that the present assessment law of Upper Canada was unequal and unjust; it was more easy however to find fault than to remedy, but he trusted that it would be successfully accomplished in this case. The next question alluded to in the speech was--with the exception of the Clergy Reserves, the question at present exciting the greatest public interest--retrenchment. He was of opinion that great retrenchment might be effected in the expenditure of the Province without detriment to the public service. He was not, however, in favour of a penny wise and pound foolish economy, which would deprive the public of the services of competent persons. He thought that inquiry should also be made whether in some departments a greater amount of work could not be obtained from the same number of hands. He could not see why the government should not receive the same amount of service in proportion to the salary which is exacted by banks, by commercial houses, and by private individuals. In expressing his decided approbation of the course pursued by His Excellency towards those persons who, while holding commissions at the pleasure of the Crown, had thought fit publicly to declare their desire of a separation from the Mother Country, he found it impossible to add anything to the noble and patriotic language of His Excellency's speech. He felt convinced that the sentiments so eloquently expressed by His Excellency would meet with a response in the bosoms of the people of this Province, as they undoubtedly had already done in the bosoms of ... their representatives; and that every proceeding of that house would show to the Sovereign and the people of Great Britain, that the generous confidence with which she had bestowed on this Province the inestimable blessing of self-government, had not been misplaced.

Mr. Fergusson concluded by moving ... an answer to the speech, as nearly as possible echoing the words of that document.<sup>275</sup>

MR. ARMSTRONG seconded the motion.<sup>276</sup>

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*Mr. Fergusson moved, seconded by Mr. Armstrong, and the Question being proposed, That an humble Address be presented to His Excellency the Governor General, thanking His Excellency for his gracious Speech from the Throne at the opening of the present Session of Parliament:*

*To assure his Excellency that this House cordially unites with him in deeply regretting the death of the Queen Dowager, a Princess whose many virtues endeared her to all classes of Her Majesty's subjects:*

*That the occurrences of the past year, and the necessity which had arisen for providing suitable accommodation for Parliament while in Session, having imposed on His Excellency the duty of considering during the Recess, the important subject contained in the Address of this House of last Session, relating to the places for holding the future meetings of the Legislature, His Excellency in giving effect to the prayer of that Address by summoning Parliament to meet at this place, has given additional proof of his desire to meet the wishes of the People, as expressed through their Representatives:*

*That this House trusts with His Excellency, that the important changes recently made in the Imperial Navigation Laws, and the improvements effected in the Provincial Canals, will tend to promote materially the commercial interests of the Province, and to attract to the route of the St. Lawrence, a considerable portion of the Emigration from Europe to this Continent:*

*That it affords this House much gratification to learn from His Excellency that recent advices from England indicate a marked improvement in the value of Canadian Securities in the British market, and they assure His Excellency that nothing shall be wanting on their part which may have a tendency to encourage such reviving con-*



fidence:

That this House is fully sensible of the great importance to these Colonies of placing the Trade between the British North American Provinces on the most unrestricted footing, and they rejoice to learn that His Excellency has, during the Recess, been in communication with the Lieutenant Governors of Nova Scotia, New Brunswick, and Prince Edward Island, and with the Governor of Newfoundland, upon this subject, and to assure His Excellency that they are fully prepared to place such powers in the hands of the Executive Government as may enable it to meet the advances of the Sister Colonies in a liberal spirit:

That this House is pleased to learn that a measure for the establishment of free trade between Canada and the United States in certain articles the natural products of each, corresponding to that passed by the Legislature of this Province at its last Session on the same subject, is now under the consideration of the Congress of that country:

That this House is glad to learn that by an Act passed during the last Session of the Imperial Parliament, the entire control of the internal Posts in British North America is vested in the Provincial Authorities, and they are prepared to take such further action on this subject as may be necessary in order to secure for the inhabitants of this Province, the benefit of a cheap and uniform postage rate:

That the expediency of effecting an encrease in the Parliamentary Representation of the Province shall not fail again to engage their attention:

That this House will give its best attention to any measure that may be submitted for its consideration, founded on the Report of the Commissioners appointed to enquire into the conduct, discipline, and management of the Provincial Penitentiary, and they feel that the increasing wealth and population of the Province, and the growing aversion to Capital Punishment, render it highly important that the system of discipline established in that Institution, and in the Gaols, should be made as far as possible effectual for the prevention of crime and the reformation of offenders:

That they will be happy to receive the communications from Her Majesty's Commissioners for the promotion of the Exhibition of the Works of Industry of all Nations, to be held in London, in 1851, transmitted to His Excellency through Her Majesty's Secretary of State for the Colonies, and they feel the fullest confidence that the hope expressed by His Excellency that Canadian industry and produce will be fittingly represented on that occasion, will not be disappointed:

That this House is happy to find that the practice and proceedings in the Court of Chancery in Upper Canada have been placed upon an improved footing, calculated to facilitate the business of the Court and lessen expense to suitors:

To assure His Excellency that they will not fail to take into their most deliberate consideration, as of analogous, and perhaps even equal importance, the jurisdiction and practice of the Inferior Courts in that part of the Province, with a view to the extension of their sphere of usefulness, and the lessening as much as possible the expense of litigation:

That the regulation of Municipalities, and the construction of Gaols and Court Houses in Lower Canada, and the laws for the selection and return of Jurors, and those for the Assessment of property for local purposes in Upper Canada, shall also engage their best attention:

That this House will not fail to give their most careful consideration to the Accounts of the past, and the Estimates for the present year, whenever they shall be transmitted to them by His Excellency:

That this House receives with peculiar satisfaction the recommendation of His Excellency to direct their attention to an enquiry into the Revenue and Expenditure of the Province, and trust that the consideration of this important subject thus introduced under the highest sanction, will not fail to be attended with beneficial results, as well in dispelling illusory expectations, as in

leading to the adoption of every practicable retrenchment that the efficiency of the public service will permit.

To assure His Excellency that he may fully rely on the readiness of this House to grant the necessary Supplies for the public service, and for the maintenance of the Provincial credit, than which they feel no duty connected with the discharge of their legislative functions to be more sacred:

That this House fully concurs with His Excellency that in the exercise of the Prerogative with which he is entrusted, it was his duty to mark Her Majesty's disapprobation of the course taken by persons holding Commissions at the pleasure of the Crown, who formally avowed the desire to bring about the separation of this Province from the Empire of which it is a part:

To assure His Excellency that the views put forward by such persons, and by

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those who act with them, do not find favor with any considerable portion of Her Majesty's Canadian subjects:

That the great majority of the people of the Province have, on the contrary, given at this conjuncture proofs, not to be mistaken, of loyalty to the Queen, and attachment to the connection with Great Britain: they look to their own Parliament for the redress of grievances which may be proved to exist, and for the adoption of such measures of improvement as may be calculated to promote their happiness and prosperity; and the confidence placed by them in the wisdom of Parliament will, this House is assured, be fully justified. While dealing unsparingly with abuses, they will not barter away for novelties, rights dear to British subjects, nor abandon those principles of good faith, morality and constitutional freedom, the strict adherence to which has enabled Great Britain, with God's blessing, to pass unscathed through many perils.

And a Debate arising thereupon;

The answer was about to be read by the Clerk.<sup>277</sup>

SIR A. MACNAB desired that the reply should be put paragraph by paragraph, in order to permit of amendments being made, and that the discussion should be put off until Monday. Members had not had time to consider the reply, and he was apprehensive that even the mover of the reply might require some time to embody his objections--such as the one he mentioned of the Clergy Reserves--in proper language.<sup>278</sup>

MR. AT. GEN. BALDWIN wished then that the house should meet at ten o'clock on that day.<sup>279</sup>

SIR A. MACNAB, however, said that members intended going home for the Sunday, and would not return in time for the meeting of the house in the morning<sup>280</sup>.

MR. AT. GEN. BALDWIN consented to postpone the debate<sup>281</sup>.

COL. PRINCE laid on the table ((a)) copy of an amendment to be proposed<sup>282</sup>.

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On motion of the Honorable Mr. Attorney General Baldwin, seconded by Mr. Gugy, Ordered, That the Debate be adjourned until Monday next.

Then, on motion of the Honorable Mr. Boulton, seconded by Mr. Laurin, The House adjourned until Monday next.

APPENDIX: 17 MAY 1850.

((NOTICE OF MOTION RE: COMMISSIONERS APPOINTED BY ACT OF 1849,  
CAP. 101.))

MR. THOMPSON ((gave notice of a)) Bill to authorize the Commissioners appointed by the Act of last Session, Cap. 101, to carry the same into effect.<sup>283</sup>

((NOTICE OF MOTION RE: BILL RELATING TO WRITTEN MEMORANDA.))

MR. J. CAMERON (of Cornwall) ((gave notice of a)) Bill to render a Written Memorandum necessary (sic) for the validity of certain engagements.<sup>284</sup>

((NOTICE OF MOTION RE: BILL RELATING TO ORDINANCES INCORPORATING  
QUEBEC.))

MR. CHABOT ((gave notice of a)) Bill to amend and consolidate the Ordinances incorporating Quebec.<sup>285</sup>

((QUESTION AND ANSWER RE: EXCESSIVE INCOME OF SHERIFF AND OTHER  
OFFICERS OF THE SUPERIOR COURT OF THE DISTRICT OF MONTREAL.))<sup>287</sup>

COL. GUGY asked what enquiry had been made into the excessive income of the Sheriff and other officers of the Superior Court of the District of Montreal<sup>288</sup>?

MR. AT. GEN. LAFONTAINE was understood to say, that the Ministry<sup>289</sup> intended to put all officers on salaries and fund the fees<sup>290</sup>, and that a return of the emoluments of the office would be presented to the House.<sup>291</sup>

((QUESTION AND ANSWER RE: PRINTING.))<sup>292</sup>

COL. GUGY inquired of ministers whether it was contemplated to take any steps for subjecting the public printing to competition.<sup>293</sup>

MR. INSP. GEN. HINCKS replied that the whole expenditure of the country would be referred to a committee in a few days.<sup>294</sup>



FOOTNOTES: 17 MAY 1850.

1. The following papers reported the debate on this petition in identical accounts: MONTREAL TRANSCRIPT, 21 May 1850, BRITISH WHIG, 21 May 1850; JOURNAL DE QUEBEC, 23 May 1850, and L'AVENIR, 25 May 1850. The following papers reported the debate in partially identical accounts: GLOBE, 18 May 1850, HAMILTON SPECTATOR, 22 May 1850, BRITISH WHIG, 22 May 1850, ST. CATHARINES JOURNAL, 22 May 1850, BATHURST COURIER, 24 May 1850, PACKET, 25 May 1850, and KENT ADVERTISER, 30 May 1850. The debate was also reported by: BRITISH COLONIST, 21 May 1850; MONTREAL GAZETTE, 21 May 1850; NORTH AMERICAN, 21 May 1850; PILOT, 21 May 1850; EXAMINER, 22 May 1850; KENT ADVERTISER, 23 May 1850; LA MINERVE, 20 May 1850; JOURNAL DE QUEBEC, 25 May 1850, copied from LA MINERVE; and L'AVENIR, 25 May 1850. MONTREAL GAZETTE, 23 May 1850, noted Papineau's speech; and PILOT, 23 May 1850, noted the debate. Commentaries appeared in: BRITISH COLONIST, 21 May 1850; HAMILTON SPECTATOR, 22 May 1850; PILOT, 23 May 1850; and L'AVENIR, 25 May 1850.
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196. NORTH AMERICAN, 21 May 1850.
197. BRITISH COLONIST, 21 May 1850.
198. HAMILTON SPECTATOR, 22 May 1850.
199. BRITISH COLONIST, 21 May 1850.
200. HAMILTON SPECTATOR, 22 May 1850.
201. NORTH AMERICAN, 21 May 1850.
202. HAMILTON SPECTATOR, 22 May 1850.
203. BRITISH COLONIST, 21 May 1850.
204. HAMILTON SPECTATOR, 22 May 1850.
205. EXAMINER, 22 May 1850.
206. HAMILTON SPECTATOR, 22 May 1850.
207. BRITISH COLONIST, 21 May 1850.
208. EXAMINER, 22 May 1850.
209. BRITISH COLONIST, 21 May 1850.
210. HAMILTON SPECTATOR, 22 May 1850.
211. EXAMINER, 22 May 1850.
212. BRITISH COLONIST, 21 May 1850.
213. HAMILTON SPECTATOR, 22 May 1850.

214. NORTH AMERICAN, 21 May 1850.
215. HAMILTON SPECTATOR, 22 May 1850.
216. IBID.
217. BRITISH COLONIST, 21 May 1850.
218. NORTH AMERICAN, 21 May 1850.
219. HAMILTON SPECTATOR, 22 May 1850.
220. BRITISH COLONIST, 21 May 1850.
221. HAMILTON SPECTATOR, 22 May 1850.
222. BRITISH COLONIST, 21 May 1850.
223. HAMILTON SPECTATOR, 22 May 1850.
224. BRITISH COLONIST, 21 May 1850.
225. HAMILTON SPECTATOR, 22 May 1850.
226. NORTH AMERICAN, 21 May 1850.
227. HAMILTON SPECTATOR, 22 May 1850.
228. NORTH AMERICAN, 21 May 1850.
229. EXAMINER, 22 May 1850.
230. NORTH AMERICAN, 21 May 1850.
231. HAMILTON SPECTATOR, 22 May 1850.
232. BRITISH COLONIST, 21 May 1850.
233. HAMILTON SPECTATOR, 22 May 1850.
234. BRITISH COLONIST, 21 May 1850.
235. HAMILTON SPECTATOR, 22 May 1850.
236. BRITISH COLONIST, 21 May 1850.
237. IBID.
238. HAMILTON SPECTATOR, 22 May 1850.
239. BRITISH COLONIST, 21 May 1850.
240. NORTH AMERICAN, 21 May 1850.
241. HAMILTON SPECTATOR, 22 May 1850.
242. NORTH AMERICAN, 21 May 1850.
243. MONTREAL GAZETTE, 21 May 1850.
244. HAMILTON SPECTATOR, 22 May 1850.
245. NORTH AMERICAN, 21 May 1850.
246. HAMILTON SPECTATOR, 22 May 1850.
247. NORTH AMERICAN, 21 May 1850.
248. BRITISH COLONIST, 21 May 1850.
249. NORTH AMERICAN, 21 May 1850.
250. MONTREAL GAZETTE, 21 May 1850.
251. BRITISH COLONIST, 21 May 1850.
252. NORTH AMERICAN, 21 May 1850.
253. BRITISH COLONIST, 21 May 1850.
254. HAMILTON SPECTATOR, 22 May 1850.
255. The following was reported by: BRITISH COLONIST, 21 May 1850; MONTREAL GAZETTE, 21, 23 May 1850; EXAMINER, 22 May 1850; and MORNING CHRONICLE, 22 May 1850, which mistakenly dated it as 16 May. A commentary appeared in BRITISH COLONIST, 21 May 1850.
256. BRITISH COLONIST, 21 May 1850.
257. MONTREAL GAZETTE, 21 May 1850.
258. BRITISH COLONIST, 21 May 1850.
259. MORNING CHRONICLE, 22 May 1850.
260. BRITISH COLONIST, 21 May 1850.
261. MONTREAL GAZETTE, 21 May 1850.
262. IBID.
263. EXAMINER, 22 May 1850.
264. BRITISH COLONIST, 21 May 1850.
265. MONTREAL GAZETTE, 21 May 1850.
266. The following papers reported the debate on this matter in partially identical accounts: GLOBE, 18 May 1850, copied by BRITISH COLONIST, 21

May 1850, PILOT, 21 May 1850, HAMILTON SPECTATOR, 22 May 1850, BATHURST COURIER, 24 May 1850, PACKET, 25 May 1850, and LA MINERVE, 23 May 1850. The debate was also reported by: MONTREAL GAZETTE, 21 May 1850; and EXAMINER, 22 May 1850. The BRITISH WHIG, 21 May 1850; NORTH AMERICAN, 21 May 1850; and PILOT, 23 May 1850, noted the debate. Commentaries appeared in BRITISH COLONIST, 21 May 1850; and PILOT, 23 May 1850.

267. BRITISH COLONIST, 21 May 1850.
268. NORTH AMERICAN, 21 May 1850.
269. BRITISH COLONIST, 21 May 1850.
270. NORTH AMERICAN, 21 May 1850.
271. BRITISH COLONIST, 21 May 1850.
272. EXAMINER, 22 May 1850.
273. BRITISH COLONIST, 21 May 1850.
274. EXAMINER, 22 May 1850.
275. BRITISH COLONIST, 21 May 1850.
276. MONTREAL GAZETTE, 21 May 1850.
277. BRITISH COLONIST, 21 May 1850.
278. MONTREAL GAZETTE, 21 May 1850.
279. BRITISH COLONIST, 21 May 1850.
280. IBID.
281. EXAMINER, 22 May 1850.
282. BRITISH COLONIST, 21 May 1850.
283. MORNING CHRONICLE, 22 May 1850.
284. IBID.
285. IBID.
286. IBID.
287. This question was reported by: MONTREAL GAZETTE, 21 May 1850; and PILOT, 23 May 1850.
288. MONTREAL GAZETTE, 21 May 1850.
289. PILOT, 23 May 1850.
290. MONTREAL GAZETTE, 21 May 1850.
291. PILOT, 23 May 1850.
292. This question was reported by: MONTREAL GAZETTE, 21 May 1850; and EXAMINER, 22 May 1850.
293. EXAMINER, 22 May 1850.
294. IBID.



MONDAY, 20 MAY 1850.

(11)

Mr. Ross takes  
his seat.

DUNBAR ROSS, Esquire, Member for the County of  
Megantic, having previously taken the oath according to  
law, and subscribed before the Commissioners the Roll  
containing the same, took his seat in the House.

On motion of the Honorable Mr. Attorney General Baldwin, seconded by Sir  
Allan N. MacNab,

House ad-  
journs out of  
respect to the  
memory of a  
Legislative  
Councillor.

Resolved, That out of respect for the memory of the Honor-  
able Levius Peters Sherwood, a Member of the Honorable  
the Legislative Council, formerly a Member of the  
Commons House of Assembly of Upper Canada, some time  
Speaker of that House, and many years one of the  
Judges of Her Majesty's Court of Queen's Bench for  
that Province, this House will adjourn to such an  
hour, on the day appointed for the funeral, as will enable Members to attend the  
same; and that this House do now adjourn.

The House adjourned accordingly.<sup>1</sup>

FOOTNOTES: 20 MAY 1850.

1. The GLOBE, 21 May 1850, KENT ADVERTISER, 30 May 1850, and PACKET, 1 June 1850, noted in identical accounts that: "The doors were not opened to the public for some time after the usual hour, and we understood that a very eloquent oration by Sir Allan McNab on the distribution of tickets of admission in the Upper House, was the interesting cause of our protracted exclusion from the Honorable House.

When the Reporters were admitted Mr. Baldwin had just announced the death of the Hon. Mr. Sherwood."

TUESDAY, 21 MAY 1850.

(11)

Petitions  
brought up.

THE following Petitions were severally brought up,  
and laid on the table:--

By Mr. DeWitt,--The Petition of J. Johnston and others,  
inhabitants of the Province of Canada.

By Mr. Jobin,--The Petition of the Reverend C. Aubry and others, of the  
Parish of St. Joseph de la Rivière des Prairies; the Petition of Amable Simard  
and others, of the Parish of St. Joseph de la Rivière des Prairies; and the  
Petition of V.S. Fontaine, Esquire, and others, of the Parish of La Pointe aux  
Trembles, District of Montreal.

By the Honorable Mr. Cameron of Kent,--The Petition of George Hyde, Townreeve,  
and others, on behalf of the Municipality of the Township of Plympton; and the  
Petition of Thomas Edison and others, of the Township of Bayham.

By Mr. Cauchon,--The Petition of the Reverend Joseph Asselin and others, of  
the Parish of L'Ange Gardien, County of Montmorency.

By Mr. Scott of Two Mountains,--The Petition of the Reverend F. Bonin, of  
the Parish of Ste. Scholastique; the Petition of the Reverend A. Groulx and  
others, of the Parishes of St. Benoit and St. Placide, County of Two Mountains;  
and the Petition of the Reverend T.A. Young and others, the Minister, Wardens,  
and other members of the Church of England, of St. Martin and other Parishes in  
the County of Terrebonne.

By Mr. Lacoste,--The Petition of the Right Reverend the Roman Catholic  
Bishop of Montreal, and others, the Corporation of Chambly College; and two  
Petitions of the Reverend S.M. Brassard and others, of the Parish of Longueuil,  
County of Chambly.

By Mr. Armstrong,--The Petition of La Corporation des Clercs de St. Viateur.

By Mr. Burritt,--The Petition of James Keeler, of the Township of Edwards-  
burgh, County of Grenville.

By Mr. Duchesnay,--The Petition of J.P. Déry, Esquire, and others, of the  
Parish of St. Raymond, County of Portneuf.

By Mr. Ross,--The Petition of the Minister, Elders and Trustees of St.  
Andrew's Church, Quebec.

By Mr. McConnell,--The Petition of B.H. Ives and others, of the District of  
St. Francis.

By Mr. Egan,--The Petition of the Minister and members of the Church of  
England at Euckingham, County of Ottawa; the Petition of the Reverend John John-  
ston, the Minister, and others, Wardens and members of the Church of England,  
at Hull and Aylmer, Lower Canada; the Petition of the Right Reverend the Bishop  
of Bytown; and the Petition of Sister E. Bruyère and others, Nuns, on behalf of  
the Communauté des Révérendes Soeurs de la Charité de Bytown.

By the Honorable Mr. Attorney General Baldwin,--The Petition of the Munici-  
pality of the Township of Whitchurch; and the Petition of the Toronto Mechanics'  
Institute.

By Mr. Stevenson,--The Petition of Samuel Pinnock and others, of the Town-  
ships of Hillier and Ameliasburgh, District of Prince Edward.

By Mr. Flint,--The Petition of William Anderson and others, of the Township  
of Ameliasburgh, County of Prince Edward.

By the Honorable Mr. Boulton,--The Petition of the Municipal Council of the  
District of Talbot; and the Petition of the Municipal Council of the County of  
Norfolk.

By Mr. Fortier,--The Petition of David Bourque and others, of the Parish of  
St. Norbert d'Arthabaska, District of Three Rivers.

By Mr. Chauveau,--The Petition of Charles F. Pratt and others, of Charles-  
bourg, and other Parishes, County of Quebec; the Petition of H. LeMesurier,  
Esquire, and others, Merchants of the City of Quebec; the Petition of Joseph



Plante and others, Pilots for and below the Port of Quebec; the Petition of George Hall and others, grocers, traders and retail merchants, of the City of Quebec; the Petition of Barthelemy Lachance and others, Pilots for and below the Port of Quebec; and the Petition of Jean Guerard and others, of the City of Quebec.

By Mr. Smith of Durham,--The Petition of the Bank of Upper Canada.

By Mr. Guillet,--The Petition of Antoine Charest and others, of the County of Champlain.

By the Honourable Mr. Cayley,--Two Petitions of the Municipal Council of the

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United Counties of Huron, Perth, and Bruce.

By Mr. Laurin,--The Petition of John Day and others, of the Parish of St. Sylvestre, County of Lotbinière; and the Petition of Airé Cinq-Mars and others, of Lotbinière and other Parishes.

By Mr. Richards,--The Petition of Thomas Tracy and others, Roman Catholics of School Section No. 10, in the Township of Kitley.

By Mr. Sauvageau,--The Petition of W.M. Harty and others, of Lower Canada.

By Mr. Lemieux,--The Petition of N.F. Belleau and others, of the City and District of Quebec; and the Petition of the Reverend Jacob Linge and others, the Minister, Church Wardens, and other Members of the Church of England, at West Frampton, in Lower Canada.

By Mr. Fergusson,--The Petition of the Municipality of the Township of Puslinch; and three Petitions of the Municipal Council of the County of Waterloo.

By Mr. Cartier,--The Petition of Augustin Pigeon, Esquire, and others, of St. Mathieu de Beloeil.

By Mr. Smith of Frontenac,--The Petition of Thomas Askew and others, of the City of Kingston; and the Petition of John E. McCarthy and others, inhabitants of Howe Island.

Petitions read.

Pursuant to the Order of the day, the following Petitions were read:--

Of the Provisional Municipal Council of the County of Haldimand; praying for the passing of an Act to repeal the Clergy Reserve Act, and to abolish the endowment of the Rectories, and that the funds accruing therefrom may be applied to general education.

Of the Provisional Municipal Council of the County of Haldimand; praying a renewal of the Charter of the Niagara and Detroit Rivers Railroad Company.

Of the Provisional Municipal Council of the County of Haldimand; praying that the Petition for forming a new Township from parts of the Townships of Seneca and Onondaga be not granted.

Of the Municipality of the Township of Rainham; representing that the endowment of the Rectories and the Clergy Reserve Act ought to be repealed, and the funds accruing from these sources applied to purposes of general Education; that Free Trade, equalization of Representation, extension of the Jurisdiction of Division Courts, Law Reform, extension of Franchise, Vote by Ballot, Retrenchment in Public Expenditure, and an Elective Legislative Council, ought to be carried into effect, and that the revenue arising from certain Licenses ought to form part of the funds of each Municipality.

Of Godfroi Petit Lamarche and others, of the Parish of Ste. Anne du bout de l'Isle, Montreal; representing the evils of Intemperance, and the benefits which would result from its Legislative discouragement.

Of the Municipality of the Township of Glenelg; praying that the funds proceeding from the Rectories and Clergy Reserves may be appropriated to purposes of general education and improvement.

Of William H. LeMoine, Esquire, and others, of La Côte de Beaupré, County of Montmorency; praying for the passing of an Act to enable the Trustees of the

Quebec Turnpike Roads to complete a certain road and to construct two bridges over the River St. Charles, notwithstanding the Act of last Session, cap. 115.

Of William Reid, Moderator, on behalf of the Presbytery of Kingston (in connection with the Presbyterian Church of Canada); praying for the adoption of such measures as shall totally abolish Sabbath labor in the Postal Department of the public service.

Of George Hyde, Esquire, and others, of the County of Lambton; praying that the application of the Provisional Municipal Council of the County of Kent, for the repeal of a certain Act of last Session setting apart the said County of Lambton, may not be granted.

Of François Laliberté and others, of the District of Montreal; praying that the Act of last Session, cap. 127, may be so amended as to place all vessels navigating between Montreal and Quebec upon the same footing, and to authorize those Pilots who are not Branch Pilots to exercise their calling without restriction.

Of Augustin St. Louis and others, Proprietors or Captains of Steamboats and River Craft; praying a reduction of the rates of duties imposed at the Port of Montreal upon vessels navigating between Montreal and Quebec.

Of James Sill and others, of the Township of Walpole; praying a renewal of the Act of last Session for appointing Commissioners to define the Boundary Line between the Townships of Walpole and Woodhouse.

Of the Municipality of the Township of Seneca; praying that the Petition for formation of a new Township out of parts of the Townships of Seneca and Onondaga, be not granted.

Of the Corporation of the Seminary of Nicolet; praying for aid in support of the said Institution.

Of O. Remond and others, Branch Pilots for the navigation of the River St. Lawrence between Montreal and Quebec; praying for an Act of Incorporation, and to remain under the supervision of the Trinity House of Montreal.

Of the Municipal Council of the County of Portneuf; praying for the abolition or reduction of the taxes or rates imposed upon persons navigating the St. Lawrence at the Port of Montreal.

Of Amable de Varennes and others, Censitaires of the Domain of the Crown, proprietors of land on the banks of the River Lorette; praying a grant of money to enlarge the bed of said River, so as to prevent it from overflowing its banks.

Of Jean Plamondon and others, of the Parish of L'Ancienne Lorette; praying a grant of money to macadamize the road leading to the Mill belonging to the Government in the said Parish, and that the road be placed under the control of the Trustees of the Quebec Turnpike Roads.

Of Jean Baptiste Pagé and others, of the Parish of L'Ancienne Lorette, in the Counties of Portneuf and Quebec; of Charles Timony, Esquire, and others, of the Parish of St. Giles, County of Lotbinière; and of L. Grenier, Esquire, and others, of the Parish of Lotbinière, County of Lotbinière; praying for the passing of an Act to indemnify Jurors for attendance on Criminal Cases.

Of Alexander Scobie, Esquire, and others, of the Townships of Seneca, County of Haldimand, and Onondaga, County of Wentworth; praying that certain parts of the said Townships may be set apart to form a new Township to be called the Township of Caledonia, and to be attached to the County of Wentworth.

Of the Municipal Council of the United Counties of Wentworth and Halton; praying that the duties pertaining to the office of Chief Superintendent of Education be merged in some one of the Departments of Government.

Of the Reverend P. Patry and others, of the Parishes of Ste. Geneviève and St. Stanislas, County of Champlain; praying for aid to open and complete certain Roads in the said and adjoining Parishes.

Of the Municipality of the Township of Erin; and of the Municipality of the Township of Waterloo; praying that measures be adopted for appropriating the



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*Clergy Reserves and Rectories to purposes of general education and public improvement.*

*Of the Municipality of the Township of Bentinck; representing the evils resulting from applying the revenues of the State to one or more religious sects, and the necessity for the repeal of the existing statutes relative to the Rectories and Clergy Reserves, and for the disposal of the said lands according to the well-understood wishes of the people.*

*Of the Municipal Council of the County of Waterloo; praying that the funds proceeding from the Rectories and Clergy Reserves may be appropriated to purposes of general education and public improvement.*

*Of the Municipality of the Township of Woolwich; praying that measures be adopted for appropriating the funds accruing from the Clergy Reserves and Rectories to purposes of general education and public improvement.*

*Of the Municipality of the Township of Eramosa, County of Waterloo; praying that measures be adopted for the repeal of the Imperial Act relating to the Clergy Reserves, and for the abolition of the Rectories, and that the funds accruing therefrom be appropriated to purposes of general utility, and particularly to education in Common Schools.*

*Of the Municipality of the Township of Guelph; praying that measures be adopted for appropriating the funds accruing from the Rectories and Clergy Reserves to purposes of general education.*

*Of Benjamin Geoffroy and others, of the Parish of St. Ambroise de Kildare and vicinity, in the Township of Kildare; praying for an immediate reduction of arrears of charges due on Clergy Lots in the said Township occupied by them, or for a sufficient delay in the payment of the said charges.*

*Of E. Boudreau, M.D., and others, of the County of Saguenay; praying for aid to complete the road from La Baie des Ha-Ha, to St. Urbain de la Baie St. Paul, and that Commissioners be appointed for deciding upon the line of road to be followed.*

*Of the Reverend Jacob J.S. Mountain, and others, the Minister, Wardens and others, members of the Church of England at Côteau du Lac, in Lower Canada; praying for an increased aid to Bishop's College, so as to place it on an equal footing with other Institutions of a like nature.*

*Of A.F. Holmes, M.D., on behalf of the Medical Faculty of McGill College; praying a renewal of the annual grant to the School of the said Faculty, and that it be restored to the amount granted in former years.*

*Of Patrick Lawler and others, forming the Committee chosen to superintend the erection of an Orphan Asylum in connection with St. Patrick's Church in the City of Montreal; praying a certain grant of money in aid of the said Institution.*

*Of P.T. Dupont and others, of the Parishes of St. Roch and Port Joli, in the County of L'Islet; praying for the opening of a road along the line recently drawn under the direction of the Crown Lands Department, between the Seigniories of St. Jean Port Joli and St. Roch in the said County, to the Province Line, and for the survey and division of the lands adjoining the said line.*

*Of Jean Baptiste Mercier and others, of the Parish of St. Pierre de la Rivière du Sud, County of L'Islet; praying aid to open and complete certain roads and a bridge in the said County.*

*Of the Reverend C.L. Vinet and others, Members of the Temperance Society of the Parish of St. Constant; praying for the adoption of certain measures for the suppression of intemperance.*

*Of B. Demers and others, for themselves and others, Landholders and Agriculturists of the Seigniorie of Lauzon; praying that the lands of the said Seigniorie may be discharged from the payment of certain cens et rentes, foncière seigneuriale, as well for the past as the future, and for the adoption of certain measures with reference to wild lands in the said Seigniorie conceded to parties now absentees.*



Of the Reverend P.H. Jean and others, Members of the Temperance Society of the Parish of St. Joseph de la Pointe Levi; praying for the adoption of certain measures for the suppression of intemperance.

Of William Patton, Esquire, and others, Captains and Proprietors of Vessels, of the District of Quebec, and others; praying for the repeal of that part of an Act of last Session which obliges them to employ licensed Pilots on the River St. Lawrence.

Of the Reverend J. Auclair and others, Members of the Temperance Society of the Parish of Ste. Marie, Nouvelle Beauce; praying for the adoption of certain measures for the suppression of intemperance.

Of F.C. Levasseur and others, of the Parish of St. Jean des Chaillons, County of Lotbinière; praying for the passing of an Act to indemnify Jurors for their attendance on Criminal Cases.

Of Charles Cazeau and others, Cullers, of the District of Quebec; praying certain amendments to the Act for the inspection and measurement of Timber, Masts, Spars, Deals, Staves and other articles of a like nature.

Of Pierre Gauvreau and others, the President, Directors, and Members of the "Société Bienveillante des Ouvriers de Québec;" praying for an Act of Incorporation.

Of François Normand and others; praying indemnification for losses sustained by them in constructing the bridges over the Rivers St. Maurice, Batiscan, and Ste. Anne LaPérade.

Of the Guelph and Dundas Road Company; praying for the increase of their Capital Stock and the amendment of their Charter.

Of the Municipal Council of the County of Waterloo; praying that the Guelph and Dundas Road Company be authorized to increase their Capital Stock, and also for a certain amendment to the Charter of the said Company.

Of the Mayor, Aldermen, and Commonalty of the City of Hamilton; praying that the Charter of the Great Western Railroad Company may be so amended as to allow Municipal Corporations to subscribe for Stock therein, and to authorize the issuing of Debentures for that purpose free from a certain tax therein mentioned.

Of the Municipal Council of the United Counties of Wentworth and Halton; representing the propriety of County Officers being appointed by County Municipalities--of Contested Elections being decided by the Municipality interested--of extending the jurisdiction of Division Courts--of abolishing the Court of Chancery--of stopping Postal communications on the Sabbath--of remodelling the Franchise--of making the Legislative Council elective--of placing the power of Tavern and other Licensing in the hands of the Municipalities, and of effecting Retrenchment in the public service.

Of the Municipal Council of the United Counties of Wentworth and Halton; praying that the lands set apart for Rectories and Clergy Reserves may be sold, and the proceeds thereof appropriated to purposes of general education.

Of the Municipal Council of the United Counties of Wentworth and Halton; praying that the Guelph and Dundas Road Company be authorized to increase their Capital Stock, and also for a certain amendment to the Charter of the said Company.<sup>1</sup>

MR. H. BOULTON (Norfolk,) moved for an address to His Excellency the Governor General, praying that he would send down all reports, papers, and documents which had passed between the Imperial and Provincial Governments, relate (sic) to the reserved bills of last session.<sup>2</sup>

MR. AT. GEN. BALDWIN said, that no doubt existed on his mind that the hon. gentleman's motion could not be complied with.<sup>3</sup> The hon. member should have explained the object he desired to attain by his motion. It was not a matter of course that the despatches passing between the Imperial and Provincial Governments should be disclosed in reply to such applications. They were, undoubtedly,

confidential communications, and only to be made public when urgent necessity arose. He understood, moreover, the hon. member to point at the legal opinions of the law officers of the crown on the bills in question; but these he (Mr. Baldwin) held were private documents. The Attorney General here read opinions from the Lord Chancellor of England and others<sup>4</sup> to prove that this was the doctrine invariably acted upon by the home government, and gave his opinion that the value of the principle by which legal opinions of the advisers of the Crown were withheld was of the highest nature. The concurrent text of all authorities on the subject was, that the course sought to be taken by the hon. mover was unparliamentary and unprecedented; the documents required to be produced belonged to the House, and not to the Provincial Government.<sup>5</sup> In the absence, of any explanation of the hon. mover's motive for desiring the documents in question, he must resist the application.<sup>6</sup>

MR. H. BOULTON complained of the course which had been pursued towards him on several occasions by gentlemen on the treasury benches.<sup>7</sup> ((He)) made some remarks which we did not quite catch, as to the Attorney General covering his own conduct in reference to the Reserved Bills under discussion, and calling on some other member of the government to speak to the question.<sup>8</sup> ((He)) was much surprised to hear the hon. gentleman opposing a motion of so much importance to the country.<sup>9</sup> ((He)) wanted to hear all the opposers of the motion say what they had to say. He would like to know whether a Prime Minister in England would oppose the production of these papers.<sup>10</sup> He sat down, but on ((no)) one rising, the hon. gentleman again rose and proceeded to say that the object he had in view by his motion was one of grave importance.<sup>11</sup> This was a way of getting rid of the question, which was most extraordinary. And he suspected that it was only because it was a convenience to the Ministry here to get over it in that way.<sup>12</sup> The inconsistency in the present case<sup>13</sup> which the Attorney General alleged, of sending down to the House the opinions of the Law Officers arose from<sup>14</sup> the fact, that Law Officers here were Ministers of the Crown, at home they were not.<sup>15</sup> If the Attorney General had occupied his place as Attorney General only, and not also Prime Minister of the Crown, no such answer would have been returned, but the Minister would have considered himself bound to lay all the papers before the Parliament.<sup>16</sup> It was not the reports of the Attorney General he wanted, it was the reports of the Prime Minister.<sup>17</sup> He regarded it as an important constitutional question how far Responsible Government was the rule in this province<sup>18</sup>. Ministers voted in that House, on all questions--and he (Mr. Boulton) held that when any Bill was in progress, if ministers thought it such a measure as should be reserved, it was their duty to say so to the House, while it was passing through; and if they did not state so, but allowed the measure to pass both houses they should not have the power afterwards to advise the head of the government to reserve it.<sup>19</sup> If the Administration could by representations as a ministry, induce the head of the Government to withhold his assent to measures which had received the sanction of the Colonial Parliament, and conceal the reasons and inducements by which they succeeded, there was great danger to the liberties of the country, and Parliament could not be said to have control of its own legislation nor of the Ministers of the Crown. And this House (sic) had a right to deal with them.<sup>20</sup> Ministers ought to be responsible to the country for the advice they gave to the Governor General in the reservation of bills<sup>21</sup>. He objected to the Colonial Office interfering in our affairs, by reserving Bills at all; the Provincial Ministry might turn such a power to their own purposes, by giving the Colonial office a hint as to the Bills it might be convenient for them to have reserved<sup>22</sup>; to which they dare not offer an open and decided opposition<sup>23</sup>, and thus the action of both branches of the Legislature might be strangled.<sup>24</sup> It was clearly a thing to which the principles of Responsible Government were opposed, and to which the House ought not to submit.<sup>25</sup> The present



system gave Ministers an opportunity of deluding the public with bringing forward measures which they never intended should receive the Royal assent. He contended for the principle that all measures which passed both Houses of Parliament should, as a matter of course receive the Royal assent, unless Ministers, either previous or during discussion, give notice to the House of their intention to advise its reservation; and then the House could introduce a clause to the effect that such bill should not come into operation until such times as it had received Her Majesty's assent.<sup>26</sup> The power of the Provincial Administration to advise the Governor General to receive Bills was also objectionable, and might be converted to corrupt purposes. He (Mr. Boulton) altogether acquitted the Attorney General of any improper proceedings in the matter now before the House; he believed he acted fairly and conscientiously, and it was not as to anything in the past he made his present motion, but to prevent the repetition of the evil in the future.<sup>27</sup> The ground of the hon. Attorney General's opposition was unfounded, because<sup>28</sup> what he was moving for was not an opinion given by the law officers of the Crown<sup>29</sup>, which he had no objection to consider as confidential; but for the grounds on which the head of the government gave their advice to Ministers to reserve several of the bills of last session<sup>30</sup>, and for which advice they have not made themselves responsible to the country.<sup>31</sup> If the papers he asked for were sent down, he intended to take the sense of Parliament whether the Administration shall hereafter be at liberty to advise the Governor General to reserve any Bill which they had not previously intimated to the House their intention of reserving.<sup>32</sup> He intended, during the Session, to move a series of resolutions, for the purpose of taking the sense of the House, as to whether it was right that the Administration should advise the Governor to refuse his assent to a bill, without laying the grounds of such advice before Parliament. It was a question of serious importance; it involved an important element of Responsible Government. It was not right that any bill should be strangled by such unfair means. On such grounds he would now press the present motion.<sup>33</sup> They were entitled to know the advice given to the Sovereign, and he would propose certain resolutions on the subject.<sup>34</sup>

MR. AT. GEN. BALDWIN rose in explanation.--<sup>35</sup> ((He)) thought the hon. member did not make the just distinction between the legal opinion of the Law Officers of the Crown given on the character of any particular measure, and the advice given by the ministry to the head of the government as to its reservation. The former he (Mr. Baldwin) thought could not be called for; but for the latter the ministry were responsible<sup>36</sup>. Ministers had no desire to shirk the responsibility of any advice they had given on any subject or on any occasion. The papers moved for were confidential, and could not be produced; but if the hon. member for Norfolk<sup>37</sup> would name any one measure on which he wished explanation as to the advice given to His Excellency, he would find them quite prepared to meet him, and to give all necessary information. It did not require to have papers sent down for the purpose, if the hon. member would but state what he wanted, he would have an explanation<sup>38</sup> on what grounds the reservation was advised.<sup>39</sup>

MR. H. BOULTON said, he did not point at any mere legal opinion, but at a political opinion, and he thought the papers he asked for should be produced. He did not mean by his motion to reflect any censure on the government; if he had, he would have said so--it was the system he wished to get at.<sup>40</sup> The confidence we placed in the administration entitled us to know the advice they gave on any subject.<sup>41</sup> ((He)) moved for an address for a copy of all reports made to the Head of the government on the reservation of bills to England.<sup>42</sup>

(13)

Reserved Bills  
of last Session.

*The Honorable Mr. Boulton moved, seconded by Mr. Hopkins, and the Question being put, That an humble*



(14)

Address be presented to His Excellency the Governor General, praying that His Excellency will be pleased to direct the proper officer to lay before this House, a copy of all Reports of Her Majesty's Attorney General for Upper Canada relating to the reservation for the signification of Her Majesty's pleasure, of any and every Bill passed by both Houses of Parliament during the last Session, together with all Papers and Documents referred to in or accompanying the same, and transmitted to Her Majesty's Government;

The House divided: and the names being called for, they were taken down, as follow:--

YEAS.

Messieurs Badgley, Boulton of NORFOLK, Boulton of TORONTO, Cameron of CORNWALL, Cayley, Chauveau, Christie, DeWitt, Hopkins, Lyon, Sir Allan N. MacNab, Malloch, McConnell, McLean, Papineau, Prince, Robinson, Seymour, Smith of FRONTENAC, Smith of WENTWORTH, and Stevenson.--(21.)

NAYS.

Messieurs Armstrong, Attorney General Baldwin, Bell, Bouthillier, Cartier, Cauchon, Chabot, Davignon, Solicitor General Drummond, Duchesnay, Dumas, Fergusson, Flint, Fortier, Fournier, Fourquin, Guillet, Hall, Hincks, Holmes, Jobin, Johnson, Lacoste, Attorney General LaFontaine, LaTerrière, Laurin, Lemieux, Merritt, Méthot, Mongenais, Morrison, Nelson, Notman, Polette, Price, Ross, Sauvageau, Scott of TWO MOUNTAINS, Smith of DURHAM, Taché, Thompson, and Viger.--(42.)

So it passed in the Negative.

Multiplication  
of Law Suits,  
&c., Preven-  
tion Bill.

Ordered, That the Honorable Mr. Cameron of Cornwall have leave to bring in a Bill to amend an Act passed in the fifth year of the Reign of His late Majesty King William the Fourth, intituled, "An Act to prevent the unnecessary multiplication of Law Suits and increase

of Costs in actions on Notes, Bonds, Bills of Exchange, and other instruments."

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time, on Monday next.

Slander and  
Libel Law Bill.

Ordered, That the Honorable Mr. Cameron of Cornwall have leave to bring in a Bill to amend the Law relating to Slander and Libel.

He accordingly presented the said Bill to the House, and the same was received and read for the first time;

MR. J. CAMERON stated that his Bill would enable the defendant to justify, in criminal as well as civil cases, on the ground that the matter published was true, and its publication beneficial to the community. The defendant would be at liberty to plead the general issue as in a civil action. He also proposed to limit the punishment, which was at present left entirely at the discretion of the judge.<sup>43</sup>

(14)

and ordered to be read a second time, on Tuesday next.

River du  
Chêne Bill.

Ordered, That Mr. Scott of Two Mountains have leave to bring in a Bill to amend the Act passed during the last Session for the improvement of the River du

Chêne, in the County of Two Mountains.

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time, to-morrow.

Bill relating  
to certain

Ordered, That the Honorable Mr. Cameron of Cornwall have leave to bring in a Bill for rendering a written mem-

Promises and  
Engagements.

orandum necessary to the validity of certain promises  
and engagements.

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time, on Monday next.

Quebec Incorporation Bill.

Ordered, That the Honorable Mr. Chabot have leave to bring in a Bill to amend and consolidate the provisions contained in the Ordinances to incorporate the City and Town of Quebec, and to vest more ample powers in the Corporation of the said City and Town.

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time, on Wednesday, the twenty-ninth instant.

Bill to exclude  
certain persons  
from Offices.

Ordered, That Sir Allan N. MacNab have leave to bring in a Bill to exclude persons from Offices who have been concerned in creating them, or increasing their emoluments.

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time, on Wednesday, the twenty-ninth instant.

MR. J. SMITH of Durham,<sup>44</sup> in introducing a measure for Law Reform in the Courts of Record in Upper Canada, said as the Bill was somewhat voluminous, he would not detain the House by any lengthened detail, but simply state in a general way the nature of the amendments he proposed. The first alteration was to do away with the process in the commencement of the action, and to commence by declaration in all cases except replevin and arrest, which of itself would effect a considerable reduction in the expense to suitors. That proceedings in scire facias and ejectment should remain as at present, and that dower should be commenced by filing and serving a declaration, which he considered to be the best and shortest way to get rid of the present absurd practice with regard to the service of process in that form of action, and to do away with a common appearance altogether. That in actions of dower, whenever the right to recover dower was disputed, the successful party should have costs, as in other cases. His next proposed alteration was, to extend the provision of the law which authorised the joinder of the several parties to a Bill or note in one action, (now limited to a £100), to all notes or bills; whatever their amount, which was the same as the change proposed by the bill just introduced by the hon. and learned member for Cornwall, and in which he believed all parties were agreed. He next proposed to allow the indorser of a note or owner of a bill, to recover from the maker or acceptor, any costs to which he may be put by the default of the other parties, in an action for money paid, without being obliged to declare specially. He then proposed to permit either party in any action, to examine the adverse party, and thus avoid the necessity of a bill in chancery for discovery, a proceeding at present seldom resorted to on account of the expense, and the necessity for which in any case would cease, as he purposed to examine the adverse party either viva voce at the trial, or by interrogatories. That this had been recommended by the Commissioners on practice and pleadings in their code of procedure for the State of New York, and was already in practice in various other countries. In the next place, by another clause, he proposed to permit the debtor of any execution debtor, to pay the sheriff, and that his receipt should be a sufficient discharge. This was already, also, the law of the State of New York, and was one step towards the Trustee system of Massachusetts, which enabled a creditor to attach any claim or property belonging to his debtor, wherever it could be found, and to make the party a trustee for his benefit. He would render it compulsory upon the plaintiff, in all cases, where the principle and interest can be computed before

the officer--to compute, and not assess the damages before a jury, as it is at present optional, and by which, in nine cases out of ten in addition to heavy costs being incurred, the interest of the clients were prejudiced by delay; and that in accordance upon Bills of Exchange and Promissory Notes, he would do away with interlocutory judgment, and permit the officer to compute, without notice of computation, summons, or order, and to tax-cess, and proceed to execution upon the expiration of the time to plead upon the production and filing of an affidavit of the due service of declaration, and notice to plead; and that the bill, or note, was duly declared on. With regard to execution against goods, he would alter the teste and time of return, so that the writ should bear teste on the day of issuing, and be returnable in a certain number of days from its delivery to the sheriff--he proposed thirty days--and that executions against lands should be tested in the same manner, and be returnable in six days from the delivery to the sheriff, instead of twelve, as at present; he understood that a change similar to the latter, had recently taken place in the proceedings to foreclose mortgages in Chancery where twelve months time to redeem was given formerly--only six would be given hereafter; he was not certain that this was the case, and at any rate thought that in the altered circumstances of the country, and various other considerations, that the present delay of 12 months was too long, and therefore he proposed the change; the next alteration was with reference to the Clerks of Assize,--he proposed that the clerks and deputy clerks of the Crown, should hereafter perform these duties--and this was the opinion of the House as expressed in a vote last Session. After he had left Montreal, this vote, however, from some cause or other had been reversed, but for various reasons he had still strong grounds to believe that the same opinion, and to a further extent, prevailed generally; and as a considerable saving would ensue by its adoption, he trusted that this proposal would carry--at any rate he was determined that nothing but a vote of the majority should defeat it; he then proposed that the Courts of Queen's Bench and Common Pleas should be enabled to sit Banc out of Term, for the purpose of hearing motions and making rules and orders, & pronouncing judgments in certain matters, of course excepting motions for new trial, and certain others required to be made within the first four days of Term, which he felt persuaded would relieve the Courts, and greatly accommodate and facilitate the despatch of business; the measure proposed certain reductions, not only in the present tariff to Attorney and Counsel, but in the disbursements to the various other officers employed. He did not admit the justice of the outcry raised against lawyers, unless to a limited extent--on the contrary, he agreed with the view stated by the hon. and learned member for Norfolk, on a recent and festive occasion in that county, that in general lawyers were not over-paid for what they did, but that they were required to do a great deal more than was necessary, and it was under these circumstances that he had acted in framing the measure now about to be submitted to the House. The Bill contained other provisions; he would not, however, delay the House further, but move for leave to bring in a Bill "To amend the law, simplify the practice, and reduce the expense of legal proceeding in Upper Canada"<sup>45</sup>.

(14)

Bill relating  
to Law Proceed-  
ings, (U.C.)

Ordered, That Mr. Smith of Durham have leave to bring in  
a Bill to amend the Law, simplify the practice, and  
reduce the expense of legal proceedings in Upper  
Canada.

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time, on Wednesday, the fifth of June next.

Criminal Laws  
Consolidation  
Bill.

Ordered, That the Honorable Mr. Badgley have leave to  
bring in a Bill to amend and consolidate the Criminal  
Laws of this Province.



*He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time, on Monday, the third of June next.*

Code of Criminal Procedure Bill.

Ordered, That the Honorable Mr. Badgley have leave to bring in a Bill to establish a Code of Criminal Procedure in this Province.

*He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time, on Monday, the third of June next.*

MR. H. BOULTON<sup>46</sup> moved for leave to bring in a bill to fix the time and place of the meeting of Parliament.<sup>47</sup>

MR. AT. GEN. BALDWIN said that were he not in office he would oppose this motion, but an impression had gone abroad that the Administration were determined to resist at the first step, every bill introduced by the hon. Member for Norfolk. He would have opposed the introduction of the bill because it would tend to break down the distinction between the system of Government established amongst them and that of a republic.<sup>48</sup> There was more than a mere nominal difference between the monarchical principles of our government and those of a republic.<sup>49</sup> If there was anything which more essentially belonged to the Crown under the monarchical system than another, it was the right of assembling Parliament when and where it please. This was not a party question, and he would appeal to members on both sides of the house, when the bill came up, promptly to reject it. It was part of a plan to change, bit by bit, our present constitution.<sup>50</sup>

MR. NOTMAN rose and addressed the House in a state of considerable indignation, he said he hoped the hon. Attorney General West<sup>51</sup> would recall the determination he had just announced, and<sup>52</sup> would reject the motion at once.<sup>53</sup> He trusted that the time of the house<sup>54</sup> and the country,<sup>55</sup> was not to be wasted on bills of this description by the hon. mover, when he knew that they could not pass. What a usurpation it would be for them to assume the right of fixing the time of calling Parliament together!<sup>56</sup> The hon. mover's object was plain enough, it was simply to embarrass the government, and the hon. mover was in the course he pursued actuated by the malignity of disappointed ambition, because he did not happen to hold a prominent place in the administration, and he hoped the House would rise promptly and put down the motion.<sup>57</sup>

SIR A. MACNAB asked the hon. member for Middlesex not to get into a passion. He would advise him to keep cool and restrain his virtuous indignation for some occasion when it would not be thrown away.<sup>58</sup> The gentleman ought not to be frightened. They had voted down all bills emanating from this side of the House already.<sup>59</sup> They were not all as wise as the hon. gentleman, and therefore his superior wisdom ought to respect their foolishness. It might be fruitless to discuss this question, but although he might vote against it, he should like to hear it discussed; certainly the present system was a ... most inconvenient one.<sup>60</sup> He held the Ministry responsible for the speeches from the Throne; and it was stated in proroguing Parliament last Session that there would be an early Session<sup>61</sup>. That promise, from whatever causes, was not kept.<sup>62</sup> They had not been called together till nearly the very day on which they were compelled to meet by the Union Act<sup>63</sup>, within three weeks of the period when from the state of the roads travelling was all but impossible.<sup>64</sup> And now he supposed because the French members had to come up, the Parliament and the navigation opened together<sup>65</sup>, 15 days again and at a most inconvenient period of the year.<sup>66</sup> He should like to hear their reasons for not summoning it until the latest date allowed by law had nearly expired.<sup>67</sup> Ministers did not want the advice of Parliament; but perhaps members of Parliament might differ on that point<sup>68</sup>. He repeated that he could see

no reason why the question should not be discussed; it was a high-handed measure to refuse to do so, and he thought the members opposite would not follow the lead of the member for Middlesex.<sup>69</sup>

COL. PRINCE spoke in favour of the motion<sup>70</sup>. ((He)) hoped that the question would be put, as it would be the third instance in which the Ministry would disgrace themselves by tramping down the rights of individual members. He hoped also that it would be pushed to a vote, as it might in future prevent him and his colleagues from being summoned here at this exceedingly inconvenient season.<sup>71</sup> It would be most convenient to know the time when Parliament would meet<sup>72</sup>. He referred to the great advantage to the profession and the public in having the sittings of the Courts and the terms fixed by law.<sup>73</sup> But the Ministry said that it would interfere with the exercise of the Royal Prerogative, and the<sup>74</sup> hon. gentleman who occupied the exalted position of Attorney General, West, had of a sudden grown wonderfully tender of the Prerogative of the Crown, and strangely conservative of the institutions of the country.<sup>75</sup> It was very well for that hon. gentleman to talk to him about the Prerogative<sup>76</sup> exercised by the advice and at the dictation of five or six gentlemen like the gentlemen opposite<sup>77</sup>, and the Institutions of the Province! Where was he when those Institutions were in danger? When the City of Toronto was fired at both ends, and rebels armed with pistol and bowie knife<sup>78</sup> paraded the streets, and when the torch of the incendiary and the murderer's knife almost succeeded in upsetting these institutions<sup>79</sup>? Did the hon. gentleman then step forth to try and save those institutions?<sup>80</sup> Where was he? Why hiding and skulking in his house and never heard of until the danger was over.<sup>81</sup>

Ironical cheers from the Ministerial benches.<sup>82</sup>

MR. J. SMITH (of Durham) protested against the charges that his side of the House voted down measures they did not like.<sup>83</sup> To the best of his recollection, the principle of the Bill introduced by the hon. member for Norfolk a few days since had been fully discussed, for it would be remembered that the hon. gentleman had gone over his bill two or three times. He also found that it was in the power of the house to reject a motion at any stage, if the whole principle contained in it were objectionable, and that it was only when objection was taken to a portion of it, that it (the Bill) was allowed to go to a second reading. With respect to the best time for calling the house together, he said it would be impossible for the Ministry to please all parties. Sir A MacNab complained of the calling of Parliament now, because it would prevent members from attending to their business; and last session, Col. Prince complained just as loudly, because the roads were then in such a bad condition that he could scarcely travel. In either case there was abundant room for complaint, seemingly; yet he thought they would not have their ears constantly so skinned<sup>84</sup>. They should not hear so much talk about this and other subjects as at present it was their misfortune to listen to.<sup>85</sup> If Sir Allan could only exchange seats with certain other hon. members, or if the hon. member for Essex could only get a little more attention paid to his petitions for Annexation.<sup>86</sup>

MR. H. BOULTON replied:--He said this subject was a most important one, which had been sanctioned by the popular voice at public meetings, even in the constituency of Mr. Notman.<sup>87</sup> He could not conceive what reason the hon. Attorney-General had for asserting that the Bill was the first step towards upsetting monarchical government.<sup>88</sup> OR He was not surprised to hear the learned gentleman (Mr. Baldwin,) object to the Bill on the ground of Prerogative, which he had assumed, and that it was evidently an attempt to bring in and bit by bit to destroy our Monarchical form of Government.<sup>89</sup> It had nothing to do with a system of Government, or the politics of a party, it was simply a matter of convenience to the country and to their representatives.<sup>90</sup> As he was aware how staunch a stickler he



had become for Prerogative since he had been in the Cabinet by whom in fact it was exercised.<sup>91</sup> Talk of Royal Prerogative.--Who exercised the Royal Prerogative?<sup>92</sup> It was a farce to talk about the Prerogative of the crown, where it was exercised solely at the will of persons in office to answer there (sic) own purposes, and to keep them there. They exercised the Prerogative from day to day when the Sovereign was on the other side ((of)) the Atlantic, and by possibility could know nothing of the occasion--what was in truth the Prerogative of the Crown either here or at home, since Parliament had acquired so complete a control over it? It had become nothing more than the concentration of certain trusts and powers in the hands of the executive for the benefit of the people, and he gave the learned Government fair notice that he was right in supposing that this was but a beginning, and that in fact it was but one of a series of such measures which he should submit to Parliament with the view of abolishing, as far as possible these nominal Prerogatives of the Crown; but in truth, substantial means which might be used by a corrupt Government to the advancement of their own interests, and to the great disadvantage of the people. It was true that in ancient times the Prerogatives of the Crown had been retained; the Crown had separate State Powers to be exercised by the Sovereign, at his own free will either to confer benefits on courtiers and adherents or to protect itself against the encroachments of the people, and sometimes to their great oppression and grievous wrong. But now the whole thing had changed in its nature and was simply a deposit of executive powers, to be exercised by the Sovereign nominally but substantially, by the confidential advisers of the Crown.<sup>93</sup> At present they were at the caprice of a minister who suited his own convenience.<sup>94</sup> Addressing himself, however, to the immediate subject, the Prerogative of calling Parliament together, he would say that in this country, it ought to be abolished.--He wished to see the Government as far as possible carried on by certain fixed Rules laid down by law and not under pretence of Prerogative to remain a Government of ministerial discretion often degenerating into mere caprice. It would be much more convenient for the members, who were almost exclusively selected from among business men and whether they were Farmers, Merchants, or Professional persons, to know before hand what period of the year they were to be called together--it would also be more satisfactory to the people at large to know on what given day in each year Parliament would meet, that they might arrange their business so as to be enabled to come to the Seat of Government, while Parliament was sitting, to see, with their own eyes and hear with their own ears, how far speeches at Public Meetings among their constituents and pledges there made agreed with demeanor in the House--coming here at this season of the year was most inconvenient to all business men<sup>95</sup>. His object then was to have the Session of Parliament held during the winter, instead of the summer months, in order that they might be able to attend to their public duties without incurring that personal inconvenience which they must all feel more or less, and which would be increased to a great extent by the plan of alternate Parliaments at Toronto and at Quebec.<sup>96</sup> Then the people<sup>97</sup> could ... be fully prepared with all the measures they wished to submit through their representatives to parliament, and hon. members themselves would not find it necessary to leave their<sup>98</sup> private business<sup>99</sup> affairs in a state of confusion at home<sup>100</sup> because they were suddenly called on to attend to the affairs of the country. The system he proposed would also prevent ministers from having a long or short session, just as it suited their convenience or their caprice.<sup>101</sup> Are we to consult our own convenience and that of our constituents or to allow the matter to be settled from time to time by the ministry to suit their schemes of Political manoeuvring,--besides, we should get rid of the expense of eternal Proclamations which were of no value except to the Queen's Printer, until the last one for the year came out fixing the day of Meeting for the despatch of business.<sup>102</sup> They had heard a great deal about Republican institutions.<sup>103</sup> With regard to this being an attempt to assimilate our Institutions to those of the United States, all he thought it



worth observing was that he should adopt a good Principle whether he saw it originating in a Republic or any other form of Government, or indeed if he had never heard of such a thing before it struck his mind to suggest it. For his part he had no fear of American Institutions, which generally speaking were much better adopted to the simplicity of a comparatively new country like ours than the more complicated<sup>104</sup> more cumbrous and inconvenient<sup>105</sup> system of older and more artificially constituted communities like the old Government of Europe.<sup>106</sup> He would tell the Attorney-General that in his serious honest judgment, a great deal of the system, now in use in the neighboring republic, might in the present state of society, be adopted with advantage by us.... This part of the system that he proposed to introduce, worked well there; and he should like to know, why it should not do so here, or what inconvenience could arise from letting the people know with certainty at what time the House would meet, instead of leaving it a matter of speculation<sup>107</sup> and uncertainty<sup>108</sup> for months as it is now.<sup>109</sup>

MR. RICHARDS said, that as the hon. member for Norfolk had declared this to be only the first of a series of Bills he intended to introduce, he thought it would be better to pronounce on it at once, and thus save the House from the interminable discussions, which appeared to follow every one of the hon. member's motions. The time of calling the House together, was a subject of great complaint to him and other hon. members, who professed to be extremely anxious to get away; but he could only say, that if the same tactics that have been used hitherto, were to be still employed, those hon. gentlemen would find that they would have to stop here a pretty long time. Now, he had taken his seat, in order to get practical measures adopted for the public good, and not to discuss theoretical questions with the hon. member for Norfolk, and he hoped, in sincerity that theories would be dropped,<sup>110</sup> and, for God's sake, ... practical measures be proceeded with<sup>111</sup>, as they had it in their power to gratify the public by passing those measures of which they stand in need<sup>112</sup>. He advised the Government to believe that the country would confide in them for these practical measures, caring very little for motions and opposition like that of gentlemen opposite.<sup>113</sup>

MR. W. BOULTON (Toronto) hoped and trusted that the bill was only the commencement of a series, and he hoped and trusted it would not be kicked out on its first reading, but would meet with due consideration from the House.<sup>114</sup> ((He)) thought this was a<sup>115</sup> highly practical measure<sup>116</sup> and that for this reason it ought to be carried. He was not afraid of the institutions of the United States.<sup>117</sup> He believed there were many portions of the system now in use in the neighbouring Republic, which might with advantage be introduced here, and he could not see why the Inspector General should oppose their introduction, merely because they were in use in the United States, when almost every bill that that hon. member himself introduced, was copied word for word from the laws of the State of New York.<sup>118</sup> He instanced the School Bill, Assessment Bill, Municipal Bill, and some others.<sup>119</sup> The Assessment Bill was borrowed from that State. The Municipal Council Bill was borrowed from there also. Both were found to work well.<sup>120</sup>

Hear, hear, from MR. INSP. GEN. HINCKS.<sup>121</sup>

MR. W. BOULTON continued: What right, then had any hon. member to assert that this bill, because it was also copied from the same quarter, was republican in its tendency? Before such assertions were made, he should like to be informed what was the precise meaning of the term, republic. If it were strictly defined, it would appear that the institutions of England, on which ours are modelled, were far more republican than those of the U.S. (Hear.) In the one case, power was vested, in a very considerable degree, in one individual, and there was (sic) a great many checks on the power of the people. In the other (in Canada), the head of Government was powerless, while the people are absolute, and he was sorry to see that the<sup>122</sup> Attorney General and those on his side<sup>123</sup>, who were entrusted

with the power of the people, were inclined to use it rashly.<sup>124</sup> (Hear.)<sup>125</sup> He trusted, then, that this bill, which would restrain the ministry, would be passed, as it would remedy several great inconveniences. In the first place, it would enable hon. members, who were farmers or merchants, to arrange their private business in such a manner, that when they came here, their own affairs would not be in confusion; and, in the next place, it would remedy what was now absolutely a grievance. For the public would then know precisely at what time it would be necessary to give notice of their intention to apply for the passage of private bills, instead of advertising for months and months in uncertainty, as they have to do now. He would, therefore, put it to hon. members who supported the administration, when they introduced bills copied word for word from the statutes of the United States, whether this was a time to pay any attention to charges of republicanism, brought against his side of the House.<sup>126</sup> Why should these gentlemen monopolize the examples?<sup>127</sup> He thought it unnecessary to vindicate their loyalty. It was admitted, and above suspicion. Such accusations were, of course, merely intended to cast a slur on the bill, which, he had no hesitation in saying, was one of the best and most practical that could ever be brought under their consideration.<sup>128</sup>

MR. PAPINEAU said that under pretence of guarding the prerogative of the Crown, hon. gentlemen opposite sought to set up their own despicable despotism.<sup>129</sup> The Prerogative was sufficiently guarded by the right which the Ministry possessed of giving the head of the Administration advice to reserve the Royal Assent. It was sufficiently guarded by the power which they possessed of advising him to veto a Bill, and by the power that the Home Government have to destroy and render null any measure within two years after it had received the sanction of the Governor here. What, then, was the value of this cry about the Prerogative, which could not be infringed on by Parliament, except with the consent of the Crown?--and which, even then, was only to be obtained by petition?<sup>130</sup> A petition to restrain, perhaps, this prerogative of the Crown, but still nothing but a request put to the Sovereign? All offices were in the gift of the Crown, and yet the nomination to places was being constantly restrained and regulated.<sup>131</sup> The Parliament had the right of petitioning by Bill on any measure which they deemed to be conducive to the public good. Such Bills were introduced every day, and for the express purpose of curtailing the Prerogative, by taking away from the Crown the power of appointing Public Officers, or of determining in what manner their duties should be carried on, and vesting those powers in the people. Yet the Ministry oppose this Bill with a cry of Prerogative, and attempt to set aside the constitutional right of that House, from a fear that they would themselves slip back into their old<sup>132</sup> republicanism<sup>133</sup> unawares, (laughter,)<sup>134</sup> and be obliged to take up again the watchword of Electoral Institutions. Such, was their fear of that event, that, while a Bill was still the property of the hon. gentleman who introduced it, before it was even laid on the table, or printed, they would insist on its being rejected, and thus deprive their colleagues of the rights to which they laid claim themselves.<sup>135</sup> He would like to know, whether the gentleman who was so fond of precedents, could find any precedent for<sup>136</sup> their conduct in interdicting to this side of the House the right of presenting petitions, and the right of introducing bills<sup>137</sup>, for this departure from all constitutional law? Was it not an established maxim of the English Parliament, that a Bill could not be considered on its presentation, when its contents were unknown, and the House generally were in ignorance as to its contents? What did they know of the contents of this Bill? Could the Ministry, by any possibility, be in a position to judge whether the Bill ought to be rejected or not?<sup>138</sup> If the honourable gentlemen had not adopted the corrupt principles of that unscrupulous man Lord Sydenham, they would not be put to the inconvenience of rejecting bills which for aught they knew might<sup>139</sup> possibly be for the purpose of preventing the Attorney Generals from acting as the head of the Administration, or from employing a partizan counsel to perform their duties for them! Perhaps it was for the purpose of increasing their power, which would, no doubt, please them



very well, or possibly to increase their salaries, which would please them still better! (Laughter.) But they knew nothing whatever about it, they did not wish to have it printed, and they would not give themselves the trouble of discussing it. Their desire was merely to get rid of it. Now, when he saw that the bill was introduced by a gentleman of such high standing as a Parliamentary lawyer as the hon. member for Norfolk, who, from his long practice and his intimacy with English Statesmen, was so well qualified to advise the ministry, he thought that instead of taking that course, they would have done much better to listen to his proposition with respect. Instead of doing so, however, the moment that the hon. member had made his motion, one of the ministry started up to oppose him, and that, apparently, in the full expectation that he would be supported by the majority of the House.<sup>140</sup> They were following closely the principles of that unprincipled man, Lord Sydenham, and had no scruples in obtaining their ends<sup>141</sup>. The Ministry might oppose any measure they pleased, because they held power over the subservient body of his countrymen, the lower French Canadians. They (the French Canadians) said the hon. member, for the most part, do not even know what the question is which is under discussion. They do not understand one word of the debate,<sup>142</sup> for, the debates being conducted in English, they do not understand one word of them<sup>143</sup>. They vote from their eyesight and not from their understanding. Their fogle man, the hon. Attorney General East (Mr. LaFontaine) stands up, and they follow their fogleman<sup>144</sup>, lest they should betray the party, which ((they)) were constantly called up to support.<sup>145</sup>

DR. LATERRIERE addressed the House in French.<sup>146</sup> ((He)) read his speech as usual. He approved of fixing the time of meeting for the Legislature<sup>147</sup>, as ... calculated to secure a great convenience to the members of the House and to the country in general.<sup>148</sup>

MR. DEWITT was of opinion that there should be a fixed time for the meeting of Parliament, so that hon. members might be able to attend in their places, without detriment to their private interests. If that were once arranged, it would be much to the advantage of the Government, the public, and that House.<sup>149</sup> At present the law declared that there should be one session every year; but there was only, in fact, three sessions in four years.<sup>150</sup> As to the stigma which was thrown upon the Bill, by asserting that it was of republican tendency, he would only say, that he cared nothing for names, all he considered was the good of the country.<sup>151</sup>

MR. EGAN had heard some hon. members say, that the present was a very fit time for the House to meet, and so it might be for men of their stamp; but he could tell them that it did not suit the business men of Canada East, whose trade was closed for six months in the year, and who were materially inconvenienced by a summons to attend here, instead of being able to attend to their business, when the<sup>152</sup> short<sup>153</sup> season for it arrived. It might answer very well for<sup>154</sup> lawyers and professional men, of which class there were too many in the House,<sup>155</sup> but he could only say, that if there were less of them, and more merchants and farmers in the House, it would be better for the country.<sup>156</sup> The fall and winter was the time to meet, and not ... the spring and summer<sup>157</sup>.

(14)

Meeting of  
Parliament.

*The Honorable Mr. Boulton moved, seconded by Mr. Hopkins, and the Question being put, That leave be given to bring in a Bill to fix the time and place for the*

*meeting of Parliament;*

*The House divided: and the names being called for, they were taken down, as follow:--*

YEAS.

*Messieurs Armstrong, Badgley, Attorney General Baldwin, Boulton of NORFOLK,*



Boulton of TORONTO, Bouthillier, Burritt, Cameron of CORNWALL, Cameron of KENT, Cartier, Cauchon, Cayley, Chabot, Christie, Davignon, DeWitt, Solicitor General Drummond, Duchesnay, Dumas, Egan, Fergusson, Fortier, Fournier, Fourquin, Gagy, Guillet, Hincks, Holmes, Hopkins, Jobin, Johnston, Lacoste, Attorney General LaFontaine, LaTerrière, Laurin, Lemieux, Lyon, Sir Allan N. MacNab, Malloch, McConnell, McFarland, McLean, Mongenais, Papineau, Polette, Price, Prince, Robinson, Ross, Sanborn, Sauvageau, Scott of TWO MOUNTAINS, Seymour, Smith of FRON-TENAC, Smith of WENTWORTH, Stevenson, Taché, Thompson, and Viger.--(59.)

NAYS.

Messieurs Flint, Morrison, Nelson, Notman, Richards, and Smith of DURHAM.--(6.)  
So it was resolved in the Affirmative.

MR. AT. GEN. BALDWIN said, that in consequence of the great delay which had already taken place, he had prepared a motion to postpone all routine business until the speech from the throne was answered.<sup>158</sup>

An objection ((was)) ... raised by SIR A. MACNAB to this mode of proceeding<sup>159</sup>.

The motion was allowed to stand as a notice for to-morrow.<sup>160</sup>

(14)

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time, on Wednesday, the fifth of June next.

Speech further considered.

The Order of the day being read, for resuming the adjourned Debate upon the Question which was on Friday last proposed, That an humble Address be presented to His Excellency the Governor General, thanking His Excellency for his gracious Speech

(15)

from the Throne at the opening of the present Session of Parliament:

To assure His Excellency that this House cordially unites with him in deeply regretting the death of the Queen Dowager, a Princess whose many virtues endeared her to all classes of Her Majesty's subjects:

That the occurrences of the past year, and the necessity which had arisen for providing suitable accommodation for Parliament while in Session, having imposed on His Excellency the duty of considering during the Recess, the important subject contained in the Address of this House of last Session, relating to the places for holding the future meetings of the Legislature, His Excellency in giving effect to the prayer of that Address by summoning Parliament to meet at this place, has given additional proof of his desire to meet the wishes of the People, as expressed through their Representatives:

That this House trusts with His Excellency, that the important changes recently made in the Imperial Navigation Laws, and the improvements effected in the Provincial Canals, will tend to promote materially the commercial interests of the Province, and to attract to the route of the St. Lawrence, a considerable portion of the Emigration from Europe to this Continent:

That it affords this House much gratification to learn from His Excellency that recent advices from England indicate a marked improvement in the value of Canadian Securities in the British market, and they assure His Excellency that nothing shall be wanting on their part which may have a tendency to encourage such reviving confidence:

That this House is fully sensible of the great importance to these Colonies of placing the Trade between the British North American Provinces on the most unrestricted footing, and they rejoice to learn that His Excellency has, during the Recess, been in communication with the Lieutenant Governors of Nova Scotia, New Brunswick, and Prince Edward Island, and with the Governor of Newfoundland, upon

this subject, and to assure His Excellency that they are fully prepared to place such powers in the hands of the Executive Government as may enable it to meet the advances of the Sister Colonies in a liberal spirit:

That this House is pleased to learn that a measure for the establishment of free trade between Canada and the United States, in certain articles the natural products of each, corresponding to that passed by the Legislature of this Province at its last Session on the same subject, is now under the consideration of the Congress of that country:

That this House is glad to learn that by an Act passed during the last Session of the Imperial Parliament, the entire control of the internal Posts in British North America is vested in the Provincial Authorities, and they are prepared to take such further action on this subject as may be necessary in order to secure for the inhabitants of this Province, the benefit of a cheap and uniform postage rate:

That the expediency of effecting an encrease in the Parliamentary Representation of the Province shall not fail again to engage their attention:

That this House will give its best attention to any measure that may be submitted for its consideration, founded on the Report of the Commissioners appointed to enquire into the conduct, discipline, and management of the Provincial Penitentiary, and they feel that the increasing wealth and population of the Province, and the growing aversion to Capital Punishment, render it highly important that the system of discipline established in that Institution, and in the Gaols, should be made as far as possible effectual for the prevention of crime and the reformation of offenders:

That they will be happy to receive the communications from Her Majesty's Commissioners for the promotion of the Exhibition of the Works of Industry of all Nations, to be held in London, in 1851, transmitted to His Excellency through Her Majesty's Secretary of State for the Colonies, and they feel the fullest confidence that the hope expressed by His Excellency that Canadian industry and produce will be fittingly represented on that occasion, will not be disappointed:

That this House is happy to find that the practice and proceedings in the Court of Chancery in Upper Canada have been placed upon an improved footing, calculated to facilitate the business of the Court and lessen expense to suitors:

To assure His Excellency that they will not fail to take into their most deliberate consideration, as of analogous, and perhaps even equal importance, the jurisdiction and practice of the Inferior Courts in that part of the Province, with a view to the extension of their sphere of usefulness, and the lessening as much as possible the expense of litigation:

That the regulation of Municipalities, and the construction of Gaols and Court Houses in Lower Canada, and the laws for the selection and return of Jurors, and those for the Assessment of property for local purposes in Upper Canada, shall also engage their best attention:

That this House will not fail to give their most careful consideration to the Accounts of the past, and the Estimates for the present year, whenever they shall be transmitted to them by His Excellency:

That this House receives with peculiar satisfaction the recommendation of His Excellency to direct their attention to an enquiry into the Revenue and Expenditure of the Province, and trust that the consideration of this important subject thus introduced under the highest sanction, will not fail to be attended with beneficial results, as well in dispelling illusory expectations, as in leading to the adoption of every practicable retrenchment that the efficiency of the public service will permit:

To assure His Excellency that he may fully rely on the readiness of this House to grant the necessary Supplies for the public service, and for the maintenance of the Provincial credit, than which they feel no duty connected with the discharge of their legislative functions to be more sacred:



*That this House fully concurs with His Excellency that in the exercise of the Prerogative with which he is entrusted, it was his duty to mark Her Majesty's disapprobation of the course taken by persons holding Commissions at the pleasure of the Crown, who formally avowed the desire to bring about the separation of this Province from the Empire of which it is a part:*

*To assure His Excellency that the views put forward by such persons, and by those who act with them, do not find favor with any considerable portion of Her Majesty's Canadian subjects:*

*That the great majority of the people of the Province have, on the contrary, given at this conjuncture proofs, not to be mistaken, of loyalty to the Queen, and attachment to the connection with Great Britain: they look to their own Parliament for the redress of grievances which may be proved to exist, and for the adoption of such measures of improvement as may be calculated to promote their happiness and prosperity; and the confidence placed by them in the wisdom of Parliament will, this House is assured, be fully justified. While dealing unsparringly with abuses, they will not barter away for novelties, rights dear to British subjects, nor abandon those principles of good faith, morality and constitutional freedom, the strict adherence to which has enabled Great Britain, with*

(16)

*God's blessing, to pass unscathed through many perils;*<sup>161</sup>

MR. AT. GEN. BALDWIN moved that the consideration of Mr. Ferguson's motion for an address to His Excellency in answer to the speech at the opening of the Session, should be immediately proceeded with--he said it was without precedent to postpone the consideration of the address for such a number of days--he would therefore move that no routine business should be gone into before the consideration of the address.<sup>162</sup>

(16)

*And the Question being again proposed:--The House resumed the said adjourned Debate.*

COL. PRINCE rose and opened the adjourned debate upon the Address.<sup>163</sup> From the moment he had heard the Speech, he was of opinion that there was very little in it; that was to say, very little worth attending to. It was sufficiently voluminous and in fact of rather more than the average length of kings' speeches, but, so far as he had been able to ascertain, its worth was about as much as the paper it was printed on. The House had been called together at a bad season; inconvenient to the public, and inconvenient to him, quite as much as it could possibly be to the hon. member for Ottawa, and more especially inconvenient to those classes which were represented by the minority in that House. He alluded to the farming interests, by far the most useful in the Province, and the best calculated to advance its prosperity. He next alluded to the merchants, and, God knows, they were very badly represented there, not on account of the small number of that class who held seats, but on account of the miserable manner in which their duty was done. Now, what was the majority of the House composed of? Why, of lawyers and notaries,<sup>164</sup> and another kind ((of)) Doctors<sup>165</sup>, and they possibly had but little reason to complain, for the Assizes were over, the busy season for lawyers and notaries was over, and the Queen's counsel had all got back--with their pockets full of money.<sup>166</sup> This place (Toronto) too, was the most inconvenient and expensive for the meeting of Parliament.<sup>167</sup> The Hon. gentleman then dissected the speech, paragraph by paragraph, and commented with severity upon some parts and with sarcastic irony upon others.<sup>168</sup> He would ... turn to the paragraph in which the Governor informed them, that the duty had been imposed on him, of taking into consideration the address of last session, requesting him to meet the Parliament at some other place than Montreal. That was certainly very singular language for his Excellency to make use of, and in his opinion, it would have



been much better if his Excellency had said nothing about a duty being imposed on him, but had said that he was induced by the address of last session to take a certain course. At the same time he would say, that it was decidedly wrong and indecent even to allude to past events. Who were to blame for these most disgraceful proceedings? The very men who now sat opposite, who concocted the measure that set the country in a blaze, and fired the torch which destroyed the Parliament buildings.<sup>169</sup> Who ever heard or read on the page of history, said he "of a minister advising his master to fly from his capitol before a mob, or who ever heard of the head of a Government being so deficient in moral courage as to adopt or even listen to such advice". Yet such a one is his present Excellency.<sup>170</sup> These were the men who, after performing such a feat,... and after putting the Province to an expense of £30,000 by moving up here, now referred to those most disgraceful proceedings.<sup>171</sup> (Hear, hear.) Was the Ministry justified to run away from Montreal?--Were they justified to advise the Governor General to take such a cowardly course? No. Such conduct as that was disgusting. He remembered the day when the<sup>172</sup> old Duke<sup>173</sup> of Wellington<sup>174</sup> was pelted in the streets of London<sup>175</sup> with stones,<sup>176</sup> ((and)) by brickbats;<sup>177</sup>--to be sure it was comparing great things with small--and when gentlemen rushed across the streets to protect him from injury; their assistance was declined, and he rode forth undauntedly,<sup>178</sup> he boldly breasted their fury,<sup>179</sup> while the brickbats were flying round his ears like hail.<sup>180</sup>

Hear, hear, from SIR A. MACNAB.<sup>181</sup>

COL. PRINCE continued: And the very next day, he rode down to the House again at the usual hour--(hear, hear,)--on the same horse, in the same dress, and the mob cheered him with as much vigor as they had pelted him the day before.<sup>182</sup>

Cheers from the Opposition.<sup>183</sup>

COL. PRINCE continued: But he treated their cheers with just as much scorn as he did their enmity. It would have been far better if the ministry had advised a certain person who should be nameless to follow that example, instead of advising him to fly from a mob.<sup>184</sup> It had been better if the ministry had followed such a course, instead of running away with their bag and baggage to Toronto.<sup>185</sup> There was another question however to be considered. What became of the £100,000 voted in Kingston for the erection of Parliament Buildings in Montreal? He would tell what became of it. It was kept in order to pay a set of plundering rebels. The Attorney General East had even then resolved, when that vote was passed, to apply the money to a purpose that pleased him better. The Parliament buildings were not erected, the temporary accommodation provided for them had been burnt over their heads, and now they were to wander from one extremity of the Province to the other, in order to prove how much an Executive might be disgraced by a want of moral courage.<sup>186</sup> The Government ... themselves had been the cause of all those disastrous "occurrences" which the speech made the ostensible cause for so removing to the City.<sup>187</sup> Having now disposed of the 'occurrences,' he would next advert to that portion of the address where they were told that these changes recently made in the Imperial Navigation Laws would tend to draw a large portion of European Emigrants to this Continent. Perhaps these changes would have that effect, but it would be merely (as his French friends said) 'en present.'<sup>188</sup> It would be of very little service to us. Our institutions are not free enough to induce them to stop among us. They would only make use of the water communication, in order to pass into the great and happy Republic on the other side. He said this from an exact knowledge of their habits and modes of thinking, for he had often conversed with them and had always found that they had fled from their own country, because they could not there enjoy freedom, and when that was the case, was it likely that they would settle in such a paltry colony as this, and be ruled by such men as those who sat at pre-

sent opposite him on the treasury benches! If they (the cabinet) believed that the immigrants would remain here, and had gulled the Governor General into the same belief, he could only say, that none of them knew anything at all about it. He perceived by the next paragraph, that the public securities were rising in value at home. Now, he should be glad to know who gave His Excellency that advice? Was it the stock jobbing brothers--Baring? It certainly could not have been obtained from any commercial man, and he would only say that he had heard a very different story. Were the securities so high that we could get a few hundred thousand for our railroad?<sup>189</sup> What was the reason that the Great Western Railroad could not dispose of its stock there? What was the reason that none of our other Railroads met with better success?<sup>190</sup> He should like the Inspector General to answer that question. But the hon. Inspector General would not answer it, for he knew well that the English capitalists would not advance a single pound, because they were well aware that we are dissatisfied; that we are oppressed, and that we are<sup>191</sup> badly governed by<sup>192</sup> a most incapable<sup>193</sup> unprincipled Ministry.<sup>194</sup>

Hear, hear, from the ministerial side.<sup>195</sup>

COL. PRINCE continued:--Another paragraph tells us that a Bill for reciprocal Free trade was under the consideration of Congress. Why, that was nothing new, or wonderful. It was just twelve months since that Bill was under the consideration of Congress before, and Congress laughed it out of the House. Here, however, the idea was caught at by all parties with as much eagerness as a child would show to get a piece of plum cake, and the consequence was, that Congress thought we were a set of fools, and separated without doing anything on the subject, and according to public notoriety,<sup>196</sup> (which was good evidence now-a-days,)<sup>197</sup> they would act in exactly the same manner on the present occasion, for he was convinced that they had as little idea of seriously granting reciprocity as he had of going to the moon in the capacity of Attorney General. He had great hopes of hearing the hon. member for Kent say something on this subject, as, according to public notoriety, he had gone on a mission with the President of the Board of Works, to negotiate this very question--he wondered was it at the public expense;--and he regretted that the hon. gentleman had not come to him for a letter of introduction to his friend Gen. Case, which would, no doubt, have materially aided them. If Congress did pass the Bill, he would candidly admit, that it would be one of the greatest blessings that could be conferred on the Province--(hear, hear,)--as it would relieve<sup>198</sup> people of the Western District of many of the burdens which they now bear in consequence of the late commercial changes made by Great Britain<sup>199</sup>, and consequently check the prevailing discontent. But that was only one of the measures necessary to afford entire relief. He would touch very lightly on the subject of an increased representation, contenting himself with observing that an increased representation, with the consequent increase of expense<sup>200</sup> would create additional taxes, which would be more injurious to the poor than the increased Parliamentary Representation would be beneficial. He now came to that part of the address which had reference to the Penitentiary and the Public Gaols. He fancied he there smelt a rat.<sup>201</sup> Honorable gentlemen were no doubt aware that, in this country as well as everywhere else, there were a great many young sharks ready to gulp at any thing and every thing, and he began to suspect, from a perusal of the Penitentiary Report and that Speech that a great deal of work was going to be cut out for them as Inspectors of Gaols, like what they had done in England.<sup>202</sup> He would not be surprised if a bill was to be introduced during the session to make an office or two of that kind; but he would oppose such a measure.<sup>203</sup> He did not much admire that part of the Speech, nor yet what His Excellency was pleased to term<sup>204</sup> the "growing dislike to capital punishment." He was averse to that Law.<sup>205</sup> He admitted that it was generally condemned, as it had not been found to answer very well the purpose for which it was designed;<sup>206</sup> but, nevertheless, the Governor General had no right to allude to it in a manner which



held out encouragement to murderers and burglars,<sup>207</sup> a class of characters that he was sorry to say were by no means rare in this homogeneous population<sup>208</sup> by leading them to hope that they would not be strung up. Then they came to clause No. 11, in which the country was invited to send specimens of her skill and industry to the great exhibition, which will take place in London.<sup>209</sup> Of all countries in the world he (Mr. P.) thought that Canada was the least likely to make any figure in such an Exhibition. What should we send?<sup>210</sup> "True," said he "we grow wool and wheat, and we can send them samples of both, the former ticketed<sup>211</sup> with the market-price, 3s.6d. per bushel, and a sample of wool ticketed 8d. sterling a pound,<sup>212</sup> as signs of our prosperity. We can also send a specimen of our beaver traps, our rat traps, our tomahawks, our war clubs, and our snow shoes, and there is nothing more to send as specimens of Canadian produce except the Prime Minister and his sub., as a specimen of Canadian--native born Canadian--statesmen<sup>213</sup>, a brace of attorney generals (laughter), they would, at least, be a great curiosity (increased laughter).<sup>214</sup> The knowledge of such prices could not fail to draw towards our shores an immense immigration. (Hear, hear.) He doubted, however, after all, whether our brace of Attorney-Generals--the produce of the country--would not be the most interesting article--(laughter)--but there was one thing that troubled him--he could not determine to his own satisfaction, with what price they should be marked; and again, Mr. Baldwin might pretend that it was an attempt to upset the institutions of the country. (Laughter.) The hon. gentleman then alluded to the Court of Chancery, which he said must absolutely come down, as it was too expensive for this poor country.<sup>215</sup> They were told that new rules<sup>216</sup> of which he knew nothing himself,<sup>217</sup> had been adopted which would lessen expense to suitors. Now, he had been told by a lawyer of high standing, that under those new rules, he had made half as much more as he had made before. That court must be abolished, or the whole country would be ruined in time (hear). It was created last session merely to give offices to the friends of the ministry. He regretted that he was absent, on leave, last session when the bill creating that court was passed. The first of his proposed amendments went to abolish that court. He would not then enter into all the particulars connected with it. He would merely say, that its whole machinery was bad, that its costs were too high, and before the session closed, he would ask the House to support him in a bill which he intended to bring in, by which cheap and speedy equity might be obtained. He did not speak against the Chancery Judges, but solely against the system of the Chancery Court. With regard to the Assessment Law, he would merely remark, that he believed that a new one was required, but from what he had heard, the one about to be proposed by the ministry would not give satisfaction to the country. He trusted that a Committee would be appointed to sift in the salaries attached to public offices, especially into the salary enjoyed by the Governor General, and the ministers.--The salary of the Governor General was enormous, and ought to be reduced. He now came to the 19th and 20th clause of the address. They were couched in language with which he could not agree, that is, in approving the conduct of the ministers in dismissing from office<sup>218</sup> intelligent magistrates,<sup>219</sup> who had petitioned for Independence of Annexation. Their conduct with those gentlemen was unjust and tyrannical. All the threats of the ministers, nor of the united Press of Canada, could prevent him from expressing his opinions. What right had they to dismiss those from office who signed the Annexation Manifesto? None. Can men stand and see the changes which have lately taken place in our commercial position with Great Britain--can they quietly see their interests blighted, without remonstrating, without proposing a change? It was impossible. The annexation manifesto was merely a petition setting forth the grievances under which they believed that Canada labored. He held that the ministry were never more guilty than when they dismissed persons from office for signing that document. It was the People's right to Petition for all grievances. It was a right secured to them by the 5th clause of the glorious Bill of Rights! He found fault with no one for objecting to the doctrines of the manifesto, but the ministry had no right to



act so despotic, so un-British, so tyrannical, as to dismiss them from office. That was conduct only worthy of the Star Chamber. How could men who called themselves 'Liberal' act in a manner so astonishing! There were grievances which made the people dissatisfied; but the ministry now told them that they would not hear them; but this injustice would assuredly be brought to account at the next general Election. He knew that the Governor General was a mere tool in the hands of the ministry, and therefore he would ask them, what magnanimity was there in dismissing gentlemen from office for such a cause? There was a man not long since alive--the case of Daniel O'Connell, who was charged and found guilty of sedition. But did the British government deprive him of his silk gown? No, they were too magnanimous to strip that noble, from even the guilty seditioner. But how did the ministry act here? Why they deprived men of talent from office, and filled the vacancies, thus created by ignorant boobies, because the former chose to express their opinions. He knew a Queen's Counsel who, six months ago, resigned his silk gown, because he would no longer serve under such a government; but four days after he sent in his resignation, a paragraph appeared in the Gazette, stating that that gentleman had been dismissed from his office. Was anything so contemptible, so unbecoming, so pigmy? He was sure that the country would look upon such conduct with disgust. How had the ministry acted with Mr. Dixon, a man highly respected even by a majority of the ministerial party belonging to his place. A few persons had concocted a few charges against him, and laid them before the government; but the names of these parties were refused to Mr. Dixon, and he was dismissed from office without the form of a trial. Such conduct was perfectly villaneous (sic). He would delay the House no longer, but he must add, that he had never seen anything so worthless as the speech from the Throne. A parcel of old Dowagers would have concocted something better over a tea-table. It was composed of old Dutch Flummery. (Laughter.) No good could come from it. It was<sup>220</sup> an abortion conceived in folly and ignorance,<sup>221</sup> and he could also tell the ministry, that since the last session they had been an unjust, an unconstitutional, and unprincipled Government. (Hear, hear.) The hon. gentleman then read the amendment, seconded by Mr. McLean.<sup>222</sup>

#### AMENDMENTS

##### To the proposed Address in answer to the SPEECH OF HIS EXCELLENCY THE GOVERNOR GENERAL

That the 12th paragraph thereof be left out, and the words, "That the scale on which the Court of Chancery has been framed under the Act of last Session, and the consequent additional burden imposed upon the Public Revenue for its maintenance, are wholly disproportioned to the resources of the Province, and the wants of its people," inserted thereof.

That after the word "litigation" at the end of the 13th paragraph, the following be inserted: "That the construction and keeping in repair of Gaols and Court Houses in Lower Canada should be provided for by local assessment as in Upper Canada, and not as heretofore be made a charge on the Public Revenue."

That the words, "and the construction of Gaols and Court Houses." in the 14th paragraph thereof, be left out.

That the 19th paragraph thereof be left out, and the words "This House learns with great regret from His Excellency, that persons holding commissions at the pleasure of the Crown have formally avowed the desire to bring about the separation of this Province from the Empire of which it forms a part, and that the exercise of the Royal Prerogative with which His Excellency is entrusted, has been thereby rendered necessary to mark Her Majesty's disapprobation: But while in every just and proper use of the Royal Prerogative, this House heartily concurs, satisfied that on the wise and impartial exercise of the functions delegated to the Representatives of the Sovereign the happiness and security of every British Possession mainly depend, it emphatically protests against its employment as an

engine of political power to be made subservient to party purposes," inserted instead thereof.

That all the words from "That" to "justified," in the last paragraph thereof, be left out, and the words "That the great majority of the people of this Province have at all times given proofs not to be mistaken, of loyalty to the Sovereign and attachment to the connection with Great Britain, more particularly as exemplified in the War of 1812, and under the alarming exigencies of the years 1837 and 1838.

That it is the paramount duty of Parliament to redress grievances which may be proved to exist, and to adopt such measures of improvement as may promote the happiness and prosperity of the people of this Province," inserted instead thereof.

That the 12 and 13 paragraphs, beginning with the words "That this House" and ending with the words "expense of litigation," be left out, and the following inserted in lieu thereof:--"That it is the opinion of this House that the Province is not in a condition to bear the heavy expense and delays, and complicated machinery of the Court of Chancery in Upper Canada, and that the said Court is not required, and ought to be abolished, (if erected); and that equitable jurisdiction should be extending to the Superior and Inferior Courts of Common Law in Upper Canada."

That the three last paragraphs, beginning with the words "perils," be left out, and the following inserted in lieu thereof:--"That this House regrets that the policy of Great Britian (sic) towards this Colony, and the conduct of the Government here, should have been such as to give cause to many of the most loyal and upright men in this country to seek for a remedy to the evils they complain of in a change of our Institutions; and this House cannot admit that the declaration of political sentiments, not coupled with any hostile intent against the Crown and Sovereignty of Great Britian (sic), is sufficient to warrant the Executive in dismissing persons from offices of honour, and that such a proceeding is, in the opinion of this House, calculated to increase the prevailing discontent."<sup>223</sup>

(16)

*Mr. Prince moved in amendment to the Question, seconded by Mr. McLean, That all the words after "That" in the twelfth paragraph, to the end of the thirteenth paragraph, be left out, and the words, "That it is the opinion of this House, that the Province is not in a condition to bear the heavy expense and delays, and complicated machinery of the Court of Chancery in Upper Canada, and that the said Court is not required, and ought to be abolished, it having failed in the purposes for which it was originally erected; and that equitable jurisdiction should be extended to the Superior and Inferior Courts of Common Law in Upper Canada," inserted instead thereof;*

*And a Debate arising thereupon;*

MR. CAYLEY said, that as he intended to address his observations to what the Ministry had done, rather than to what they were intending to do, to their acts and not to their promises, he would take the opportunity of speaking before the House got deeper into the debate. He observed that a year had nearly elapsed since the House was prorogued in Montreal, and that no doubt the Ministry had allowed that period to pass to enable the country to digest and appreciate the many useful measures of which they had been the authors: viewed in that light, he for one was not disposed to find fault with a delay which had been prompted out of tender regard to the feelings and convenience of the community. On the contrary he would aid that object by entering upon a short inquiry into the Act of the Administration since the last Session of Parliament. None, not the most casual observer, could have failed to remark the very great difference between the tone of the speech which they had heard the preceding week from the Throne, and the one delivered at the opening of the previous session of Parliament<sup>224</sup>, at Montreal<sup>225</sup>.



That difference no doubt was traceable to the altered state of feeling throughout the country. At the commencement of the previous session, although the preceding year had been marked by the prevalence of a very fatal disease, by great and very general commercial depression, yet that buoyancy which is the happy characteristic of a young country had filled every heart with the hope of better times. A new administration had recently taken office; returned by large numbers, supported by large majorities, full of large promises; a year had since passed away, and with it apparently all their bright hopes, and doubt<sup>226</sup>, disappointment<sup>227</sup>, and uncertainty had taken their place. What had created that change? Not the continuance of bad seasons, for the last had been more than usually abundant, business had revived, and the revenues of the country very materially improved. He proposed to seek for the cause in the conduct of the administration. Mr. Cayley proceeded to read some extracts from<sup>228</sup> the Journals and<sup>229</sup> the address moved last session in which the principal subjects for legislation had been recommended to the House; and then went on to remark that the various topics embraced nearly every subject that could interest the Province,<sup>230</sup> and which the hon. gentleman referred to in their order: among which were<sup>231</sup> internal communications by canal and railroad, cheap postage, education from the lowest to the highest branches, improvements in the judiciary, in their municipal arrangements, in the representation of the country<sup>232</sup>; and another the copy-right Act. And what advantage he would ask, had been derived from any of the contemplated measures?<sup>233</sup> What had been actually done? Take the first five subjects--"The Railway from Halifax to Quebec," "The Provincial Post-Office," "The creation of a Fund for the support of Common Schools," "The Improved School Act," "The increase of Representation,"--all either inoperative or lost<sup>234</sup>. Had any progress been made in the contemplated Railroad?--had the Bills referred to been carried into effect?--and as to the Post Office, he said it remained just where it was two years ago, when the Commissioners from Nova Scotia and New Brunswick met at Montreal. The Bill also for altering the representation was ((lost))<sup>235</sup> for the very good reasons assigned by the hon. mover of the Address, Mr. Ferguson, that it was full of blunders and as he Mr. Cayley, would add, of great faults,--for instance, the attempts to swamp the English constituencies in Lower Canada, and by insidious subdivisions in Upper Canada, to<sup>236</sup> establish an oligarchy in the Upper Province<sup>237</sup>. The two next acts for remodelling "the system of Judicature" and "the University of King's College" might be said to be on trial, as they had been carried into effect at so late a period that the country had no opportunity of forming<sup>238</sup> a correct opinion as to their working.<sup>239</sup> Especially the University bill, the pet measure of the hon. Attorney General West, unless they were to draw their opinions by what had been said by the organ of the Government in reference to the proceedings in Convocation. The next three measures, viz., "to raise funds to finish the Canals," "to reorganize the Provincial debt," "and for the creation of an efficient sinking fund," had all resolved themselves into an issue of new debentures, and the giving legality to the circulation of what was commonly called shin-plasters. Here the hon. member read an extract from a despatch written by Lord John Russell, dated 1830, refusing to sanction the issue of credit bills to meet the temporary exigencies of the Province; also extracts from the Provincial Gazette, enacting and rescinding the recently published schedule of tolls on the Welland and St. Lawrence Canals<sup>240</sup>. The schedule referred to the hon. gentleman said, had not been more than a day or two in operation, when a remonstrance was made, stating that a large portion of the traffic on the canals was directed by the Erie Canal. As soon as the administration had got over this mortification, a new schedule was published, with important alterations, and the previous one was declared no longer to have any force or effect; and probably before a fortnight should have elapsed, the public would be told that which had been substituted for it, had not been found to answer. Then again as to the organization of the Provincial debt, the House was told at Montreal that it was intended to create a sinking fund,--the first experiment of which was tried by Mr. Pitt, and he (Mr. C.)



was desirous of seeing how it would operate in Canada. But the effect had been to crowd the stock market, and injuriously to effect the currency; and Lord John Russell had stated, in a letter which he would read to the House, that financial measures should not be adopted for their present effect, but with reference to the future and permanent effect which they might produce. They were formerly assured by the Inspector General that steps would be taken to reduce the issue under the Bill referred to; and which the hon. gentleman was understood to say, he had suggested should be done at periods of six months and a year.<sup>241</sup> Mr. Cayley went on to observe, that the legislation of the previous session was thus narrowed down to little more than "the Municipalities Act," and "the Rebellion Losses Bill." Of the latter he would not then speak, with regard to the former, he could not agree with his hon. friend, the member for Toronto, that it was a perfect bill; nor would he term it, with the printed paper he held in his hand, a Californian mine of blunders; but he certainly could not consider that a perfect bill which had required the issue of a new Commission of the Peace to restore to Aldermen the magisterial functions of their office, of which it had deprived them, or that called for a letter from the Provincial Secretary to explain its provision, and the opinion of the Attorney General West to guide the decisions of the Courts of Law in reference to its enactments<sup>242</sup>. The last subject introduced into the speech of last session upon which he would remark, was the copyright act; until lately a different law prevailed relative to the importation of books in each Province; and at present those are introduced duty free, which, by the Imperial statute upon the subject, are directed to be burnt. Now he would ask honorable members, how many of the hopes, in which last year they indulged, had been realised. Measures that had been since adopted had been found inoperative, and others had not been sufficiently long in operation, to afford them a fair trial.<sup>243</sup> It was not, however, to be supposed that the Ministers had been altogether idle;<sup>244</sup> for every Gazette<sup>245</sup> had teemed weekly with dismissals from the Magistracy and the Militia, and they had effectually succeeded in impressing the neighbouring States with the opinion that Canada was on the eve of<sup>246</sup> revolt, or of demanding its independence of the Mother Country. With reference to that subject, the Governor General in his recent speech, had asserted that which was at variance with what was to be inferred from the published despatch of the Secretary of State.<sup>247</sup> They had impressed England with the same conviction, and had inflicted upon them a reproach, a stigma, in the shape of a despatch from<sup>248</sup> Lord Grey<sup>249</sup>, appealing to their loyalty<sup>250</sup> ((and declaring)) that the whole power of the Crown would be called into exercise if it became necessary, to maintain the integrity of the Empire<sup>251</sup>, which was calculated to reflect great discredit on the Province.<sup>252</sup> But in point of fact, not one tenth part of the population of Canada, would give their sanction to such propositions as had been alluded to.<sup>253</sup> He (Mr. Cayley) contended that one of two points must be admitted,—if the Province deserved the censure conveyed by the Despatch to which he referred, then that passage contained in the Governor General's Speech, stating "that the views put forward by certain persons, and by those who acted with them, did not find favour with any considerable portion of Her Majesty's Canadian subjects," could not be sustained, if on the other hand that assertion was correct, as he believed it to be, then the language of the Despatch could not be justified and the conduct of ministers was highly censurable where misrepresentations had called it forth.<sup>254</sup> Before passing by that subject, however the hon. gentleman said he had a remark or two to make as to the dismissal of gentlemen holding commissions, for the part they had taken in favour of the movement alluded to, or who were charged with similar conduct, without the parties being furnished with the charges preferred against them, or the names of their accusers<sup>255</sup>, with regard to the recent dismissal of Mr. Dixon of London. That gentleman had asked, after denying, in general terms, the charges brought against him, to be furnished with the names of his accusers; that request the Government had thought fit to refuse, and he would contrast their refusal with the course pursued by Lord Metcalfe

under precisely similar circumstances, in which that nobleman instructed the accused to be informed. "But it was his invariable practise to furnish the party complained of with a full copy of the complaint with the names attached," and "that he considered that only to be justice, and that a contrary practice would have the effect of encouraging persons to make false and malicious accusations, of which they dared not assume the responsibility."<sup>256</sup> But in 1850, they were told that it was not customary to furnish such information! Such conduct he said was most extraordinary, and was only fit for the dark ages, and of the inquisition.<sup>257</sup> Since that House had met in Montreal, many changes had taken place amongst those who had occupied the treasury benches. Some honourable members had been placed on the bench--one had been dismissed--one had retired--one<sup>258</sup> hon. gentleman to whom Mr. C. paid a feeling tribute, had been removed<sup>259</sup> if we might use the term, by the hand of Providence. A gentleman highly respected by all who knew him, of high attainments and education, of great kindness of heart, and of unimpeachable integrity. A just and affecting tribute had been paid to his worth by the papers of the day, and no one acquainted with the passage could have failed to recall those beautiful lines of the poet, so applicable to his melancholy lot--

Omni

Membrorum myrbo major dementia, quae nec  
Nomina servorum, nec vultus agnoscit amici  
Cum queis praeterita caenavit nocte, nec illos  
Quos genuit quos eduxit.

Would it be believed that that hon. and unfortunate gentleman who had fought the battle of his party and his colleagues, at the sacrifice of what man holds dearer than life, within twelve hours after the news of the loss of his election had been received in Toronto, his family far away, his friends still on the scene of conflict, and defeat, was conveyed to the Lunatic Asylum, cast aside like the useless and worn out tool from the hand of the workman. There was one point in the address to which he, Mr. Cayley, would allude before he sat down; ... the last paragraph<sup>260</sup> alluded to the undoubted loyalty of the bulk of the people of Canada, who are described as having fresh proofs of their devotion to the Queen and of their attachment to the British Empire; and of their willingness to appeal to the Legislature of<sup>261</sup> their own Parliament for the redress of their grievances<sup>262</sup>, of which they might have to complain. On first reading the speech, he thought the framers of that document meant what the language implied, but their conduct since that Parliament was assembled, had been in direct contradiction.<sup>263</sup> This was clearly intended to convey a censure on all those who had presumed to petition Her Majesty and the Imperial Parliament in reference to the Rebellion Losses Bill. Not to go into the general question of the right to petition, he contended that the course taken by the administration in refusing to reserve the bill, in closing against them all the usual channels of communication with the Imperial Government, left them no alternative; in the volume of printed addresses and petitions which he held in his hands, printed and laid on the table of the House of Commons, not one petition was to be found which supported the views of those who opposed the measure, and for the best of all reasons, they had been purposely excluded, similar means had been resorted to to prevent the views and arguments of opponents of the measure, and the facts that bore materially on the merits of the bill, from reaching the Imperial Government, and the people of England, and he would substantiate what he asserted by Lord John Russell's own admissions. That nobleman, in replying to Mr. Gladstone, remarked that "he (Mr. Gladstone) had stated most ably the case of one party in Canada, he has supplied the arguments which have been wanting in Canada, he has filled up the effects which appeared to common eyes in the case they have made against the administration of Canada."<sup>264</sup> He inferred from it that the administration at home did not know what was the true situation of affairs in this colony, or were aware of the arbitrary power exercised by the government here, which closed the usual channel by which addresses of what they disapproved of could



be transmitted, and did not permit their appearance in the public papers.<sup>265</sup> In these remarks there was ample proof to show that it was not sufficient for hon. members on that side of the House to have a good cause trusting to the Administration and the Governor General to redress their grievances, but they must have their advocate in the Imperial Parliament to obtain a hearing of their complaint. The truth had also been suppressed on another very material point,--the point, in fact, on which the Royal assent or refusal of the Bill ultimately turned, and that was the intention of Ministers to pay rebels. The Ministers had protested, and had induced the Governor General to back that protest, that it never had been their intention to pay rebels; now he had the permission of the hon. member for Norfolk to say, that it was with great reluctance that Ministers consented to the amendments introduced by him for the exclusion of the convicts sent to Bermuda, and that very clause was relied upon both by Lord John Russell and Earl Grey in their arguments as furnishing conclusive proof of the object and intentions of the Administration; and how had the hon. members of the Government treated the hon. member of Norfolk, who fondly thought he was serving his country, and laying up a debt of gratitude from the Ministers? by refusing to keep the engagement which they had deliberately entered into with him; and how was the violation of their pledge defended? He would read an extract from a letter written by the hon. Attorney General West to the hon. member for Norfolk, which would show how it was defended. "Judicial appointments are of a character requiring peculiar delicacy and regard, not only to the just, but in some cases even to the unreasonable prejudices of the public, and that you are utterly mistaken as to the state of public opinion on the subject is a fact about which there can be no doubt. The Government will therefore, in this matter, have to balance between that and your acknowledged professional talents." That extract scarcely needed comment.<sup>266</sup>

Remark by MR. INSP. GEN. HINCKS, "read the whole letter."<sup>267</sup>

MR. CAYLEY resumed. The whole letter should be published if the hon. gentlemen desired, and the whole correspondence connected with it: it showed clearly that the Administration were not governed by fitness in their appointments to office; that they were not anxious upon reasonable grounds to justify their appointments, but were satisfied, if necessary, to submit even to the unreasonable prejudices of the public in their highest judicial appointments, in order to secure the one object they kept constantly in view--popularity. He would no longer trespass on the indulgence of the House. The people would ultimately be the judges of the conduct and merits of the Administration and their decision, he confidently expected, would be against them.<sup>268</sup>

MR. PAPINEAU declared a better or more lucid speech, one containing more argument or more information than that of the hon. member for Huron (Mr. Cayley) was never delivered before the Colonial Parliament. The ministerial speech in its several details had been most ably condemned and refuted.<sup>269</sup> A document more void of sense and information than the speech at the opening of the session had never been addressed even to a Colonial Parliament, and which makes untruths an excuse for rash measures, which had marked the conduct of the administration from their assumption of power down to the present. As to the details of the speech, he unhesitatingly charged the government with stating untruths.<sup>270</sup> It asserted that the Governor General, out of respect to the wishes of the representatives of the people, had assented to the removal of the seat of Government.<sup>271</sup> The acts of disrespect and outrage towards the Governor, and through him to the Sovereign, which he had experienced at Montreal, were the results of his submitting to the dictation and mulish obstinacy of the administration, and their obstinacy in persevering in measures that were at variance with<sup>272</sup> his own sense of justice, and contrary to the sense of the Province at large<sup>273</sup> instead of which his Excellency should have been guided by his instructions, which were that Montreal was the only fit and proper place for the seat of Government<sup>274</sup> so long as the Union, the



cursed Union, existed,<sup>275</sup> which had been brought about by the two Attornies General, at the dictation of Lord Sydenham<sup>276</sup> and this was the real opinion of the Honourable Gentlemen on the Treasury benches; but out of their miserable imbecility, their spleen, and their spite, the removal to Toronto had been forced upon the Governor.<sup>277</sup> It was of no importance to cities which had grown to the size or extent of ... population of Toronto, Montreal or Quebec, whether the seat of Government was there or not--to them it was a mere trifle; a sturdy yeomanry within eighteen miles<sup>278</sup> inhabiting and cultivating the surrounding country<sup>279</sup> would do more for the benefit and growth of a place than all the expenditures of government put together--than all which might be expended in wines<sup>280</sup> riot and<sup>281</sup> luxurious living<sup>282</sup> and ((teaching)) luxurious habits to the young men.<sup>283</sup> The inhabitants of all cities, if they had the sense to calculate, must know that their wealth and prosperity in all new countries depended on agriculture and<sup>284</sup> the profitable operations of trade<sup>285</sup>, not on<sup>286</sup> such transient and delusive advantages<sup>287</sup> ((as)) the expenditure of Government officials.<sup>288</sup> During former and better days, gentlemen who composed the administration had to communicate with the home government, to which they had to make reports that they were marked by good sense and consistency; and from whose policy those who at present administer the Government were induced to swerve from motives of spite.<sup>289</sup> What was their report? Why that Montreal was the only fit place for the seat of Government, and yet they advised its removal because of the insults there offered to the Governor General and to the Government. And yet these insults were of their own seeking, and their own making.<sup>290</sup> He would merely allude in general to the speech, and in doing so would fearlessly assert, with reference to ... what took place last year at Montreal, that the destruction of property, and the outrage to which the Governor General was then exposed, were produced by the Administration, and their adoption of unjust acts; the evils which ensued were of their own seeking and making. His Excellency, in his speech at the opening of the present session, had told the Legislature--and he told them truly--that the people of this Province are<sup>291</sup> loyal<sup>292</sup>, attached to law and order;<sup>293</sup> if so, they are very different to ministers. He did not call those<sup>294</sup> loyal, who were mere sycophants; but only those who were actuated by a desire to promote the public good, and who acted with a proper deference to public opinion, by which past rules of action might be abrogated and adapted to altered times and circumstances<sup>295</sup>. He called loyal those who gave independent advice on all which pertains to the public good and who maintained all that tended to an approximation to just and liberal institutions. Had this been done by the Government?<sup>296</sup> Had this been done by the present administration, who deserve no other names than those of tyrants and oppressors? who were prompted to pursue the same course as that adopted by their predecessors<sup>297</sup>. No! They had imbibed the tyrannies of the Craigs and the Dalhousies; they had advised Lord Elgin to follow such examples, and their measures must sink or swim together; but sink or swim they do it in a very muddy pool. The Hon. Gentleman here alluded to last year's riots at Montreal, and asserted that Ministers would have prevented them if they had taken reasonable advice. They received, said Mr. Papineau, good and sensible advice from their opponents, but it was repelled<sup>298</sup> by the self-sufficiency of the members of Government ... because their vanity was not flattered as they recommended. The hon. member for London, who he regretted not seeing in his place, in the midst of the alarm and confusion that prevailed at Montreal, offered two resolutions, declaring that the house was ready by an unanimous vote, to put down the excitement; the adoption of which would have prevented the mob from perpetrating the excesses which after ensued<sup>299</sup> but his warnings were despised, his counsel rejected, because their names were not alluded to with sufficient praise and adulation<sup>300</sup> and who also refused to have the laws enforced at an early period, which they could have done, but preferred rather to arrest and punish.<sup>301</sup> A fortnight before the sad event took place, it was<sup>302</sup> mentioned openly at the corners of the streets<sup>303</sup> of Montreal<sup>304</sup> that if the Governor General gave his assent to the Bill, having reference to a period

when murders were committed under the forms and sanctions of courts martial, and which the British Parliament had declared were held contrary to law, that His Excellency would be insulted, and that eggs were purchased with which to assault him. Instead of meeting this demonstration in the manner to which he (Mr. P.) had referred, their sneaking advice was, that the course the Governor General meant to pursue, should not be made known, and that they would save and protect him from the threatened consequences.<sup>305</sup> It was the unmanly manner in which this was done that added to the provocation and led to the fatal event.<sup>306</sup> But that was not all: when the members of Government were warned that matters would go to extremes there was still not the least precaution taken.<sup>307</sup> Yet the Attorney General (East) had no other reply than ils n'oseront pas<sup>308</sup>. It was about four o'clock when the insult was offered to the Governor General, and at six the galleries were crowded to excess; and several of the members had an intimation from their friends that it was the intention of the mob to rush into the house and expel the members, and six or seven hundred bystanders withdrew. Did the members of Government even take any precaution? In the expectation of such an outrage, ought they not to have done something? ought they not to have protected the Assembly? At that moment members were told that the Parliament house was attacked, and what then occurred was even worse than had been anticipated or predicted, for no one could have expected that that building would have been burnt. Had the members of the Government not been lost to all sense of propriety, owing to the terror which possessed them, they would have ordered a few armed men to have passed near, the appearance of whom would, had it taken place in time, have prevented subsequent and deplorable excesses. On the day following the outrage, they were equally imbecile. The meeting of the Legislature took place near the public market, where crowds of people usually assembled, and where riotous conduct was more likely to occur; and yet no adequate step had been taken for their protection. The members of the Government were then told in the house, that any money they might require was at their disposal,--any legal power that any body ought to grant, they could command, for the purpose of suppressing the tumult; even the suspension of the habeas corpus was mentioned, but that was treated with ridicule by the Attorney General, who said the Government would assume the responsibility, and would prevent the recurrence of any further outrage; yet it was only two days afterwards, notwithstanding the disposition to riot still continued, and it was evident the Governor General would be exposed to renewed insult, that they proposed an address to his Excellency, to be presented by the whole house, when any two of the Executive Councillors might have carried up the address in close (sic) carriage, and would not have been suspected of what they were about--The consequence was another act of outrage. The advisors of his Excellency on that occasion must have gone mad; for they were not governed by those principles which usually actuate people of common sense. They sought to have the blood of their victims; and the Attorney General had significantly said that there were persons whom he expected to see in the culprit's box.<sup>309</sup>

A cry on the ministerial benches, (hear!) (hear!!)<sup>310</sup>

MR. PAPINEAU ((continued:)) He asserted that whatever efforts were made to preserve the peace of the city, were made by their opponents. He contended that the mob were bad, but that<sup>311</sup> the ministry were worse. (Laughter.)<sup>312</sup> However mad the mob of Montreal had acted, their conduct did not amount to high treason; but he, (Mr. P.) felt the most unbounded contempt for those persons, who, with reference to court martial, forgot the peril to which they had been exposed, and did not dare to perform what was due to justice, and who had caused innocent blood to flow to satisfy their own bad passions--<sup>313</sup>. He contended that it was not high treason to insult the Governor, and to pelt him was simply an assault; it might be an assault with intent to murder; and they might have brought actions against parties known or suspected of violating the law<sup>314</sup>. Was it not enough to gratify their desire for revenge, that they had it in their power to bring indict-



ments for assault, for arson, for assault with intent to maim or kill, that they should attempt to shed the blood of the innocent. Had they, on any one occasion, taken steps which the law of the land would have justified? No.<sup>315</sup> Such was party spirit, that amongst some of their most enlightened supporters, such iniquities were applauded.<sup>316</sup> They had neither called on the civil force, nor yet on the loyal population by whom they were surrounded, but they had armed a body of young men, out of the public money trained them at night, and were obliged to disarm them again by the threats of the mob, although a pledge had been given that they should not be disarmed.<sup>317</sup> One object it had effected, it had got up addresses of sympathy and condolence. But what were they, against the Union Act addresses signed by 90,000 persons were presented, how many had they to show of sympathy for the Governor; and one of the most violent and execrable of them all in this detestable business, was sitting supreme on the Chancery bench, doubtless to give an example of wisdom and moderation. Every step they took in consequence of the storm they had brought upon themselves by their tyranny and oppression, brought on them contempt.<sup>318</sup> The magistrates and the Mayor of Montreal were<sup>319</sup> not clever enough, so they brought magistrates from Quebec to conduct enquiries, and what did they gain by that? Why, additional contempt<sup>320</sup>. Then, although in the midst of a loyal population, willing to preserve order, and with masses of the best disciplined troops in the world at their command, they fled from the mob, and resorted to the<sup>321</sup> stupid, the foolish idea of<sup>322</sup> holding alternate Parliaments in Toronto and Quebec<sup>323</sup> at the two extremes of the Province. In spite of all the ridicule and sarcasm which they when in before, had heaped upon the idea of alternate Parliaments, and their declaration that neither Quebec nor Toronto were proper place for the seat of Government.<sup>324</sup> ((He)) then went over the resolutions passed at Kingston by the present Ministry, in favour of removing the seat of government to Montreal, and from these arguments condemned the late removal from that city. Speaking of the example of alternate parliaments, which was cited by the ministerialist organs, from the State of Connecticut, led him to remark that our other institutions were not at all assimilated to those of Connecticut, where, under a charter granted even by that corrupt king, Charles the 2nd, the fullest elective institutions had prevailed from the beginning. He also quoted the despatch of<sup>325</sup> Earl Grey,<sup>326</sup> the colonial minister of the day<sup>327</sup> who told them that he wished them joy of their determination, and washed his hands of the responsibility<sup>328</sup> to show that in 1841 the British minister was opposed to alternate parliaments and said that for such loyal people as the present ministry, they should not act in defiance of that opinion. In the same manner,<sup>329</sup> neither could it have been the wish of Lord Elgin, for when the address of the House of Assembly was presented to him in Montreal, he manfully rebuked them<sup>330</sup> for their proposal for alternate parliaments.<sup>331</sup> But the cowardly fears of ministers prevailed, the screw was applied, when the Governor General had been an outlaw for two months,<sup>332</sup> duped to remain a close prisoner<sup>333</sup> and then he was circumvented and duped by the representations of his advisers<sup>334</sup> and after the little moral courage which the Governor had at first shewn had been completely dissipated by their own misconduct, which had exposed him to the rude assault of the populace. And if the Governor's person and life were not safe, had not he (Mr. P.) just cause to blame them, for who would not feel alarm for those objects dearer to him than his own life.<sup>335</sup> When in the first moment of alarm, he (Mr. Papineau) had proposed to remove the Legislature to Quebec, he was told that would be flying from the mob; that was good sense<sup>336</sup>. However, they got up a force of horsemen to restore order<sup>337</sup>. The hon. gentleman, here, gave an amusing description of the manoeuvres of the Fortin Cavalry, and said that in his opinion these were the most skilful operations of the strong government--stronger than any before, or than any that were to come after them.<sup>338</sup> As the force itself stood in great danger in Montreal, they were obliged to fly to the country in order to be disciplined; and when an attempt was made to introduce them into Montreal again, the mob put them to route again, and they were obliged to take refuge in the country a second



time.<sup>339</sup> When he ((Mr. Papineau)) spoke to them, he went on to say, after the burning of the parliament house, of additional legal powers,--as for example--of the suspension of the habeas corpus--he thought it was good sense; but he was glad they had not asked for it, because great powers should be given only to the honest and discreet. Ministers had said nothing in the present speech about the removal to Quebec, probably because they feared for their popularity in the neighbourhood of this city, and with the same design of avoiding reproach hereafter.<sup>340</sup> Now, most unjustly, they would throw the blame on him if it were possible.<sup>341</sup> They had made ... ((him)), in this paragraph about the seat of government, speak in his own proper person, instead of taking the responsibility on themselves.--<sup>342</sup> Well, they had fled to Toronto, and now they were here, they did not dare to name the removal of the seat of Government to Quebec. After contending for some time in favour of Montreal for the seat of the Government, amongst other reasons stating that it was the centre of the business of the Province, and therefore more convenient both to members and their constituents, he declared that the removal was a virtual disfranchisement of the French Canadian members.<sup>343</sup> It was a manifest injustice to the members from Lower Canada, and to their constituencies, who ought to have their representatives constantly under their eyes, in order that they might be satisfied that they did everything in their power for the public good<sup>344</sup> and forced, by being ((in)) a place where it would be ridiculous to speak French, to speak English. The House had repealed that clause of the Act of Union, which obliged the language only to be used, but Ministers had the demerit of virtually annulling that repeal, by bringing the Legislature to a city, where there was no French press and where, if a member spoke in French,<sup>345</sup> ((his)) words would never get beyond the walls of the house<sup>346</sup> ((or)) he would certainly be misrepresented by the English press in the pay of the cabinet.<sup>347</sup> To meet in this place then, was a contradiction of their former opinions, a wasteful expenditure of the public funds, and an injustice to the people of Lower Canada, but if they were to carry out their ridiculous project of alternate Parliaments, the injustice would still be greater. The hon. gentlemen (sic) then alluding to the public securities, said that the debt of four millions was contracted during the former Baldwin Lafontaine Administration, under the idea that England would still continue to grant protection to Canadian produce, and if the ministry had possessed the slightest degree of common sense, they would have appealed to England, the moment she had done away with that protection, to relieve us from the debt into which she had entrapped us, and which weighed heavily upon the energies of the whole Province, although Lower Canada had no share in it, or in its expenditure.<sup>348</sup> Instead ... of saying, we were the richest people on earth, the Inspector General should have told the British Government that we were poor, and reduced by British policy, and should therefore, have desired and claimed that justice should be done by the assumption of the Canadian debt. That debt had now amounted to about four millions; but it would be eight millions before the canals could be paid for by the revenues arising from them.<sup>349</sup> He had no faith in the assertion of the Commissioner of Public Works that those canals would ever pay all the expenses of the Government, for the moment it is found that these canals yield the slightest degree of profit then they would either be seized upon by our active and powerful neighbors or else they would enter into a competition, which from the scarcity of our means compared with theirs we would have no means of withstanding. As to the increased value of Canadian securities, he doubted very much whether English capitalists would be disposed to think much of them, when they knew that it was necessary to issue debentures here for the everyday expenses of the Government.<sup>350</sup>

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MR. PAPINEAU.--And when they knew that the poor creditor of the Government--the school teacher, was defrauded out of the trifling amount due to him, whilst the members received their high salaries on the very day, and sometimes before the day on which it was due, in order that they might drive about with their fine grey or

black horses. (Laughter.) And that they might drive and drive over the people!<sup>352</sup> ((He)) compared their conduct in this particular to the complacency with which some of them saw their rents increasing in Toronto, while they thought nothing of the falling off of rents, and of the empty houses in Montreal.<sup>353</sup> The best way that they could take to convince the English people, that the securities were good, would be to reduce the extravagant expense of the Government, beginning with the Governor, and the Cabinet<sup>354</sup>, and ... not to continue to go on borrowing,<sup>355</sup> but instead of that they began at the other end, made retrenchment among the small fry, and hugged the large salaries to the last moment. But at present nothing can be expected than that Canadian securities, should be compared to the Greek, Portuguese, and other roguish people that the English had already dealt with.<sup>356</sup> As to trade with the sister Provinces, he would have been glad to see the bills referred to laid on the table, and the House invited to act in such a manner as to meet the views of the sister Provinces; but instead of that it was merely intimated to the House, that the good men were installed for four years, and the less that was said to them the better--that the House should leave the whole to them.<sup>357</sup> If the "Clear Grits" were in earnest, they would put up the public credit by putting the ministers down.<sup>358</sup> With regard to the Annexationist dismissals, he remarked that this policy of dismissal had been four times repeated, and never with any other effect than to bring disgrace upon those who had practised it. This would have been true, even if there had been some indiscretion committed by those who signed the Montreal Address; but there was no such indiscretion; for the Address signed in Montreal, was but the echo of despatches and speeches written and spoken by the greatest of English statesmen. The emancipation of the United States, so far from injuring Great Britain, had been the greatest means of saving her from dangers, such as would probably have overwhelmed her--of increasing her trade, her manufactures, her resources to an unexampled extent. There was therefore nothing wrong or extraordinary in the Montreal Address. It was, indeed, like holding a rod up to children to talk to members of that house of bartering for novelties the inestimable blessings, with which Canada was endowed. He dared gentlemen opposite to say that there was anything like the British constitution, in this tyrannical constitution which had been imposed on Canada, by the<sup>359</sup> Russels, Durhams and Sydenhams<sup>360</sup> who had been actuated by motives similar to those which moved Elizabeth or Cromwell in their treatment of Ireland<sup>361</sup> to convert Canada into what Ireland has been--a place of refuge for worthless young scions of the nobility<sup>362</sup>. Canada had been told by the English Ministry that they would sooner give independence than an elective Legislative Council, because it would reflect upon the aristocracy of Great Britain. Under the circumstances, with eighteen years experience of colonial office injustice, was there any reason why Canadians should not ask for independence? Lord Grey's despatch was the reply. Let the most acute lawyer opposite say what reason or meaning there is in Lord Grey's despatch--"almost treason": it was absurd and fit only to frighten children. If the ministry could have twisted a crime out of the acts of their opponents, they would not have failed to do so; their idleness showed that there had been no crime committed. Now on referring to the period of the commencement of Responsible Government, he found that there had been seventeen liberal ministers, by which he meant gentlemen who always supported Mr. LaFontaine. Of these liberal ministers five had been made Judges and five Legislative Councillors. But turning to the most dreadful, wicked, and ever execrated tories,<sup>363</sup> who had done far less injury to Lower Canada than the Liberals,<sup>364</sup> he found that only four persons had been provided ((for)) in like manner. He found therefore on the whole that the liberals here were like the Whigs in England. They were the parties who had the greatest cheek. (Laughter.)<sup>365</sup> OR were the greatest cheats.<sup>366</sup> He denounced this system of judicial appointments, and made some severe remarks on certain judges<sup>367</sup>. For his part, he was at a loss to understand what it meant, except that a fresh batch of sober judges was to be created, not from the most distinguished members of the bar, of course, but from the meanest and most servile of political partizans, who were to disgrace the Bench, as they had hitherto dis-



graced the halls of Parliament. Amongst the number was a gentleman, who only a year before distinguished himself by his furious partizanship--whose chief merit appeared to consist in the delivery of a stunning speech--whose every word and action was bought and paid for--and whom they had then elevated to the highest situation in the Province, to deal equitably between man and man, and become an example in himself of moderation and gravity.<sup>368</sup> He then spoke of the several Governors whom he had known in Canada, and declared that the only good Governors were those who did not belong to the aristocracy--Kempt, Prevost and Sherbrooke. He passed on to the Union act, and dwelt on the absurdity of Lower Canadians being called to vote on such questions as that of the Chancery Courts. Having, however, to vote on it, he confessed that he should be guided by the consideration that its present reconstruction was the vilest and most degrading job ever perpetrated in a House of Parliament. Last year<sup>369</sup> he ... had himself introduced a Bill last Session for the purpose of avoiding such a scandal, by making it illegal to appoint any man as a judge, within two years after he had voted on a Bill for the appointment of new judgeships, and it had been rejected. And he must say that when it had been rejected, he was doubtful whether he stood in a robber's cavern or in a House of Assembly.<sup>370</sup> He found to his surprise that he could not find a man to vote with him--that he was a voice crying in the desert. He now found that every menacing speech Mr. Blake had made to support the gentleman opposite against all opponents, had been made after a bargain previously concocted--a pretty set of circumstances to give confidence to suitors who might come before him. Going on to speak on the salaries of the ministers, he paid a tribute to the munificent liberality of Metcalfe and remarked that though the present Governor General was more moderate in his expenditure than any previous one, yet the foolish payment of an enormous salary, even to him, furnished the ground for ministers to demand enormous salaries, that they might live, as gentlemen of large incomes lived in England. The conclusion of the speech about the novelties of the United States was a piece of nonsense. In Canada there had been four constitutions in a very few years, while in the United States, they had possessed the same elective institutions from the beginning. The novelty, therefore, was here, the established institutions there.<sup>371</sup> He concluded by saying that, as none of the amendments could possibly be worse than the Address, he would support them all<sup>372</sup> because that was the next best thing to voting for giving no answer at all.<sup>373</sup>

MR. INSP. GEN. HINCKS had heard before now many extraordinary speeches from the hon. member for St. Maurice. He had heard speeches from that hon. gentleman containing as much abuse of the institutions of his country, and as much abuse of the members of the Government;<sup>374</sup> but this evening's speech ... was certainly the most extraordinary one he had ever heard. But he did not expect to hear him censure the ministry for not having suspended the Habeas Corpus Act, during the riots which took place in Montreal last year, nor<sup>375</sup> to hear him complain that ministers had not deferred to Downing Street interference; ... to hear him speak in favor of repudiation<sup>376</sup> of the public debt. The hon. member had been particularly severe on the Administration for the manner in which they filled the situations which had become vacant on the Judicial Bench, and he had made a most disgraceful attack on an<sup>377</sup> honorable and learned friend of his<sup>378</sup>, (Mr. H.) not then in the House, who stood high in the estimation of the people of this Province.<sup>379</sup> He was likewise astonished to hear him stigmatize the establishment of the Court of Chancery as a piece of political jobbing<sup>380</sup>, that these changes had been made to provide an office for the late Solicitor General.<sup>381</sup> The assertion ... was ridiculous.<sup>382</sup> He was certain that every member of the legal profession would agree as to the necessity of an amendment in the Chancery Court. Even if no change whatever had been made in the constitution of this court,<sup>383</sup> and if the old law had been allowed to remain in force with a single judge,<sup>384</sup> and due regard was paid to the qualifications of a gentleman to be appointed thereto<sup>385</sup> who would have been chosen to fill the office of Chancellor?--why, his hon. friend, who it was admitted, on all hands, stood at the very head of the profession.<sup>386</sup> Mr. Hincks then went over the



judicial appointments of the present ministry, and defended them as having been actuated by other than political motives.<sup>387</sup> The hon. gentleman had thought proper to say, that five members of the Administration had been appointed to the bench.<sup>388</sup> He had much satisfaction in declaring that none of these appointments, about which as much had been said, were insupportable.<sup>389</sup> Now, with regard to one of these gentlemen named, the Judge of the County of Middlesex, (Hon. J.E. Small), that gentleman was not a member of the government--he had not been in public life for many years before his appointment, and he was one of the oldest members of the Provincial Bar. In reference to another, the Judge of the County of York, (Hon. S. B. Harrison), he, too, had retired from public life, long before his appointment to office. It was true he was a member of the Administration, but since that time he had been in active opposition to it. Was that a foundation for a charge of party favouritism. It so happened that of the six judges appointed by the ministry in Lower Canada, but one was engaged in active political life, and a majority of the remainder were opposed, in political opinion, to the administration.<sup>390</sup> He mentioned the appointments of Mr. Esten, Mr. Meredith, Mr. Vanfelson, &c., as proofs that ministers had not consulted their own private interests.<sup>391</sup> With regard to Upper Canada, one of the gentlemen appointed to the Equity Bench, had never been engaged in politics at all, and the puisne judge lately nominated, had not been in public life for many years, and was then opposed to the views of the Administration. On the other hand, the late Administration, whom the hon. member for St. Maurice so much admired, had filled all the Judicial seats which fell vacant during their Administration from their own cabinet. While he was on the subject he desired to ask the hon. member whether in that country, whose institutions he so much admired, it was not the habit to appoint judges from those actually engaged in political life. Was not the Chief Justice of the Supreme Court of the United States, Mr. Woodbury, a member of the Administration, at the time he was appointed?<sup>392</sup>

MR. PAPINEAU said that Mr. Woodbury had been obliged to resign his situation for that reason.<sup>393</sup>

MR. INSP. GEN. HINCKS continued<sup>394</sup>: With regard to the present Chancellor of Upper Canada, he would ask the hon. member for St. Maurice if he ((ever)) could deprive the country of the benefit of talent<sup>395</sup>, ((did he)) wish to exclude all persons engaged in politics from the preferment to which they are fairly entitled? If such a course were adopted, they would lose the services of many men of talent<sup>396</sup> and integrity<sup>397</sup>, who might be useful to their country<sup>398</sup>, because the gentleman to be appointed had once been engaged in politics.<sup>399</sup> In regard to England, to whose Institutions our own bore a closer affinity, there the highest legal functionary<sup>400</sup>, Lord Campbell<sup>401</sup>, the Lord Chancellor, was actually engaged in political life while occupying his seat on the bench, and Judges were appointed every day from the ranks of political partizans. But did any one charge these men with carrying their political feelings to the bench with them.<sup>402</sup> He feared, however, the hon. gentleman judged others by himself, and felt, that if on the bench, he could not divest himself of<sup>403</sup> his political likes and dislikes<sup>404</sup> of which he had given an example.<sup>405</sup> The hon. member for St. Maurice<sup>406</sup> had made a most violent and unfair attack upon the Administration for not preventing the occurrences of<sup>407</sup> April 28th last year<sup>408</sup>, in Montreal. It was very easy for the hon. member looking back coolly on these events to say the Ministry should have done this, or the Ministry should have done that; it would have been a harder matter for the hon. gentleman to have acted better under the actual circumstances of the case. He had said that every person was warned that an attack was about to be made upon the house, and had blamed the administration for not guarding against it. Now he (the Inspector General) had not been informed that an attack was intended, nor had any of his colleagues; it was true that threats were uttered, but he was quite certain that if the ministry had ordered troops to guard the house in consequence of these threats, the hon. member for St. Maurice would have been

the first to have<sup>409</sup> taunted them with such an exhibition of fear and cowardness<sup>410</sup> for doing so. If they had been aware of the intended attack they would have been prepared to meet it; but they were not. They did not, and could not have supposed that the citizens of Montreal were capable of such an outrage. Every action of the government in those days had been made a crime.<sup>411</sup> The hon. gentleman had alluded to the disarming of a certain civil force which the Government had organized during these riots.<sup>412</sup> It was true that some citizens had been armed to preserve the peace of the city<sup>413</sup>. He asserted that every effort had been made to prevent these young men from committing mischief, by having them visited, and watched by magistrates; and in fact, no mischief was committed by them.<sup>414</sup> And they had afterwards been disarmed upon a distinct assurance from gentlemen in Montreal who were supposed to have influence with the rioters, that no further breach of the peace would take place if it were done.<sup>415</sup> The ministry were desirous that all causes of excitement should be speedily removed<sup>416</sup>. It had been said in England and here, that the Commander of the Forces had refused to act if it were not done. It was utterly untrue--no such thing had been said. It was after that pledge had been given that the second disturbance took place.<sup>417</sup> It also seemed to be the desire of hon. member to hold the ministry responsible for every particular connected with that period as well as with the Governor's procedure, even to the road he took in going and returning<sup>418</sup> into the city, as if a Cabinet Council had been held to decide which road he was to come ((on)).<sup>419</sup> Colonel Prince threw all the responsibility on the Government for introducing the bill. The hon. member could not make that a fault, so<sup>420</sup> he did not say the house was burnt in consequence of its passage; it was necessary to find some other reason<sup>421</sup>. He was compelled to make his complaint depend on the manner of the Governor General's giving his consent<sup>422</sup> and so he said the fire took place in consequence of it being passed in a secret, cowardly manner. The hon. member knew well that every body was informed that the Governor intended coming down to give his assent to bills on that afternoon; it was stated publicly in the house, and talked of in the streets.<sup>423</sup>

SIR A. MACNAB here rose and denied that any intimation whatever had been given to that effect, the House was taken by surprise.<sup>424</sup> It was not known whether the Governor intended to give his assent to all the bills which had been passed, or only to the Tariff Bill.<sup>425</sup> He (Sir Allan) had on the day in question, asked the hon. Inspector General, if the Government intended to present any other than the Customs Bill for the Governor's assent, and received, for reply that he (the Hon. Inspector General) "did not know."<sup>426</sup>

MR. INSP. GEN. HINCKS continued:--It was impossible to know, at that time, whether the Governor was coming down at all, or not, because it depended upon the action of the House. The members of the House would remember that a number of the merchants of Montreal had represented to him, that, if the Tariff Bill could not be postponed for a considerable time, it was of importance that it should be passed immediately; some vessels were reported below, and it was desirable that the Act should be in operation before they arrived.<sup>427</sup> Upon conference with his colleagues, it was decided to obtain His Excellency's sanction without delay.<sup>428</sup> The Bill was therefore passed quickly through the House, and the Governor came down to give his assent to it; it then became the question whether all the bills should receive the assent at the same time, and it was determined that it should be so. This resolution was not come to, however, till the day on which His Excellency came down.<sup>429</sup>

SIR A. MACNAB shook his head.<sup>430</sup>

MR. INSP. GEN. HINCKS protested again the truth of what he said.<sup>431</sup> The hon. member for St. Maurice had animadverted in terms which were anything but becoming on the procedure of the Governor General<sup>432</sup> in not going to the city after these events. He was sure that any one who reflected on the matter would come to the con-



clusion that he had followed a strictly proper course. It was right that he should have abstained from entering the city when his doing so would have occasioned disturbances. There was no necessity that he should leave his house; persons who had business to transact with him could easily see him there. It was the course which his Sovereign would have taken under similar circumstances. The hon. member for St. Maurice had referred to the public works of the Province in a manner which showed that he did not estimate very highly the labours which the Province had been engaged in for many years, and the growing trade which was the result of these efforts; he had also sneered at the paragraph of the Speech with reference to the emigration to the St. Lawrence route, as if no one could be induced to stay in this country. The Province already received a large number of emigrants as settlers; but he (the Inspector General,) desired to see five or ten times the number that we could take passing through our waters, which he hoped to see made the great channel for the passage of emigrants<sup>433</sup> from Germany and other parts of Europe<sup>434</sup>, and of goods to the West. The hon. gentleman had admitted that a few thousand pounds of debentures had been sold in the English market, but had sneeringly asked how many hundred thousands remained unsold. He had the happiness of informing the hon. mem. that not a single debenture of theirs remained undisposed of in the English market, and as to the \$10 debentures which the honourable member looked upon with such contempt<sup>435</sup> ((and)) about which the hon. member opposite had made so much noise<sup>436</sup>, they were now prepared to redeem every one of them.<sup>437</sup> The hon. member for St. Maurice had followed in the train of those<sup>438</sup> parties in the Province who were ready on all occasions to destroy its credit because they happened to differ with the government of the day; they had recently alledged (sic) that the country was not able to support the burden of its debt. Nothing could be more erroneous.<sup>439</sup> He (Mr. H.) had much satisfaction in informing the House, that no such difficulties existed.<sup>440</sup> The revenue was now greater than the expenditure.<sup>441</sup> The truth was that the only difficulty which the present government encountered, was to effect such loans as were necessary to carry on the public works, many of them commenced by their predecessors, and contracts entered into which they were obliged to fulfil. It was then necessary for them to issue debentures to meet the temporary difficulty, which had lately been effectually removed. The government had no other difficulty except in finishing the public works. The hon. gentleman had said that these works were only of importance to Upper Canada; he (the Inspector General) considered that they were equally important to Lower Canada; the city of Quebec had already experienced the great benefits to be derived from them. Another charge had been laid at the door of the administration that the schoolmasters had been paid in debentures, while the salaries of officials had been<sup>442</sup> promptly paid into their own pockets<sup>443</sup> in cash.<sup>444</sup> He would observe that that charge was wholly unfounded<sup>445</sup>. He begged to state that upon every occasion when debentures were being issued at the time, the salaries of all, from the lowest clerk to the Governor General, were paid in them<sup>446</sup>, and if delay actually occurred in making payment to school teachers, it arose out of the momentary inability of the government to discharge these demands.<sup>447</sup> The hon. member for St. Maurice had praised the recent course of the Lower Provinces with regard to<sup>448</sup> reciprocal free trade<sup>449</sup> and had blamed the administration for not taking similar steps. He could inform the hon. member that the policy of these provinces was identical with that which the ministry desired to adopt; it was in accordance with the plan adopted at the meeting in Halifax last summer of the delegates from Nova Scotia, New Brunswick, Prince Edward Island, and Canada. He was sorry to see that Nova Scotia had departed in one particular from the plan laid down, and he hoped she would yet retrace her course. In New Brunswick it had been fully adopted, however, and our flour now possessed a protection of 2s. per barrel in the market of that province. The trade with the lower provinces was of the greatest importance to Canada, and would compensate them for not getting reciprocity with the United States, which he believed, however, they would obtain.<sup>450</sup> The hon. member for



Huron had been good enough to review the labours of last session and to show how little has been done by the administration.<sup>451</sup> He had actually blamed them because the Hallifax (sic) and Quebec Railroad had not been built. He very much desired that the work should be constructed, but, however, thought that it should be done as a provincial work<sup>452</sup>. The ministry had never been, nor could they be expected to be prepared and enabled to undertake the pecuniary responsibilities<sup>453</sup>. They had given a guarantee for a certain sum, and a grant of land in aid of it, and that was all they could do for it. The honourable member had not, however, said a word on the other railway bill of last session, which would be the means of procuring the completion of the St. Lawrence and Atlantic road<sup>454</sup>, an undertaking of vast importance to the Eastern Section of this Province in particular.<sup>455</sup> He had also blamed them for the delay in the transference of the Post Office to the Provincial authorities. This government could not be held responsible for that delay; the bill on the subject was passed last session; there had been detention on the part of one of the lower provinces, when that was removed it was necessary that the transfer should be made at the end of a quarterly term, and it had been settled that the department should be handed over the Provincial authorities, on the 1st of October next. The hon. gentleman next referred to the Representation Bill,<sup>456</sup> the object of which the hon. member erroneously said was to crush the Eastern Townships,<sup>457</sup> and to benefit a particular party in U. Canada. It would benefit a party in Upper Canada, but how would it do so, by giving the mass of the people in the Counties, of which that party was composed, a few representatives in Parliament. The constituency of the hon. member for Huron was on the same footing as that of his hon. friends from Middlesex, and Waterloo, who out numbered the former three times over; the small body had the same voice in the Councils of the country as the large, and the system should be altered. With reference to the Eastern Townships, did the honourable member mean to say that they were to be less represented than other parts of the country, their equals in population; he could not say so.<sup>438</sup> And if the hon. gentleman said his friends have the confidence of the country, they have nothing to fear from the Bill. Is it because the Eastern Townships are opposed to British institutions that they should not be represented<sup>459</sup>, because annexation received more favour in the Townships than in other parts of the country<sup>460</sup>.

MR. CAYLEY--The Representation Bill was passed before the annexation movement.<sup>461</sup>

MR. INSP. GEN. HINCKS--Yes; but the gentleman's speech was made after it.<sup>462</sup> Then ((the)) hon. gentleman then referred to the exclusion of our delegates, it was not the intention of the government to keep the bills in circulation longer than could be helped but a grant of Parliament should be required.<sup>463</sup> The hon. member next blamed the administration for the blunders which the convocation of the Toronto University had made, and then fell upon the Municipal Council Bill of his hon. friend the Attorney General, which he said was full of blunders. The Attorney General did not assert, in introducing his Bill, that it was without errors; he believed that the general wonder was, considering what the Bill was designed to effect, that it contained so very few blunders. It would certainly be a long time before the hon. member for Huron could introduce one like it. The hon. member had made, he knew not exactly what charge, about the copy right of English books; the administration had done nothing on the subject, and no blame could attach to them. The late administration had passed, it was true, an act on the subject, which was not considered just by the Imperial authorities.<sup>464</sup> He thought it a great pity, for the merchants feel it, and it had thrown a great deal of odium on the government, for not passing an act which had been done in other Provinces. It is not our law, we have nothing to do with.<sup>465</sup> The next subject was the dismissal of Mr. Dixon from the magistracy.<sup>466</sup> He had heard a great deal and would most probably hear more about not furnishing the names of his accusers;<sup>467</sup> but he contended that the ends of justice did not require that they should do so.<sup>468</sup>

He asked if that conduct, even if wrong, was as bad as what had been done by some gentlemen opposite, who had dismissed magistrates without even telling them what was the reason for it. (No! no!)<sup>469</sup>

MR. H. SMITH (Frontenac)--Who were they?<sup>470</sup>

MR. INSP. GEN. HINCKS--Why, they were in your own constituency. There is no hardship in it, the hardship would be giving the names to tyrannical magistrates.<sup>471</sup> He contended that ministers had acted correctly in the ... case of Mr. Dixon.<sup>472</sup> If Mr. Dixon had entered into the complaint made against him, and defended himself, then, indeed<sup>473</sup> it would ... be the duty of the Government to follow them up, by giving the names of the parties making them.<sup>474</sup> He did not do so, however. Why should they furnish lists of persons, who might be made to suffer by a tyrannical magistrate for the public spirit in making these charges. The names were sometimes given and sometimes not, as was thought right.<sup>475</sup> Such had been the practice of the government for many years and it was discretionary with the government to give or withhold them, unless indeed the charges were malicious, which was not the case here.<sup>476</sup> Great capital had been made out of this matter; but he thought it was in the discretion of Government to give the names or not as they thought best.<sup>477</sup>

SIR A. MACNAB asked why Mr. Leslie did not appear in answer to the Subpoena of the Court of Queen's Bench.<sup>478</sup>

MR. AT. GEN. BALDWIN--why did not Mr. Daly appear two years ago, when summoned?<sup>479</sup>

SIR A. MACNAB merely wished to have the hon. Gentleman's opinions.<sup>480</sup>

MR. INSP. GEN. HINCKS continued to acknowledge that there was something in the attack made upon the new tariff of canal tolls; but complained that the whole facts had not been stated, and concluded by defending the scale ultimately adopted as one well calculated to improve the trade on the canals--a trade which he believed was ahead, adding considerably to the business of Quebec.<sup>481</sup>

(16)

*On motion of Mr. Smith of Frontenac, seconded by the Honorable Mr. Boulton, Ordered, That the Debate be adjourned until to-morrow.*

Standing  
Committees.

*Ordered, That the Order of the day for taking into consideration the Report of the Select Committee appointed to prepare and report Lists of Members to compose the seven Standing Committees ordered by the House, be postponed until to-morrow.*

*Then, on motion of the Honorable Mr. Boulton, seconded by Mr. Meyers, The House adjourned.*

((NOTICE OF MOTION RE: BILL TO REDUCE LEGAL EXPENSES IN UPPER CANADA AND SHORTER PROCEEDINGS.))<sup>482</sup>

MR. NOTMAN gave notice that he should introduce bills to reduce the amount of Law Costs and Fees to Judges, Sheriffs, &c., in Upper Canada<sup>483</sup>, et abrégier les procédures<sup>484</sup>.

((NOTICE OF MOTION RE: DRUNKARDS' IMPROVIDENCE TO THEIR FAMILIES.))

MR. NOTMAN donne avis qu'il introduira ...((une loi)) pour assurer les effets des ivrognes imprévoyants à leurs familles.<sup>485</sup>

((QUESTION AND ANSWER RE: CHANGES IN CABINET WITH RETIREMENT OF COMMISSIONER AND ASSISTANT COMMISSIONER OF BOARD OF WORKS.))<sup>486</sup>

SIR A. MACNAB made enquiry of ministry, regarding the changes in the administration which had taken place since the last session of Parliament, and said it was the more necessary that explanations should be given<sup>487</sup> to the House and the country ... of the circumstances which led to the retirement of the Commissioner and Assistant Commissioner of the Board of Works from office, and from the seats they held in Her Majesty's Executive Council <sup>488</sup> because of statements which had been made by the late Assistant Commissioner of Public Works in the columns of the Examiner, and the Commissioner of Crown Lands, and the Inspector General, after a dinner which had taken place in Yonge street.<sup>489</sup> He thought that the House should not be bound by the newspaper statements.<sup>490</sup> The country ought to have some explanation on the changes which had taken place. He was perfectly aware that ministers had a subservient majority to put down any motion which displeased them, and might say "we do not choose to explain anything in this House," and their reason might be that in that House they might be answered; and that might not be agreeable.<sup>491</sup> The House would be bound to take the statements in the Examiner by the hon. Mr. Cameron, as the true history of the case so far as he was concerned.<sup>492</sup> At present he should offer no more observations: He felt that the late Commissioner of the Board of Works, was bound to give an explanation, or the country must believe that what had appeared in the Globe and the Examiner, were the true explanations.<sup>493</sup>

MR. AT. GEN. BALDWIN said that when the honorable gentleman contended on Friday that these changes should have been mentioned in the Speech he supposed he (Mr. B.) was mistaken in his view of the case; but the gallant Knight had, no doubt, ascertained since, the correction of the position which he (Mr. B.) had then taken up<sup>494</sup>, neither when changes take place, in the Cabinet, in part, or altogether, does the Crown communicate its motives.<sup>495</sup> It was not necessary that the Crown should explain the reasons for rejecting or accepting the services of this or that officer. It was the prerogative of the Crown to choose its officers without explanation. Any information given on Ministerial changes came from the<sup>496</sup> individual<sup>497</sup> members who caused them and not from the Crown<sup>498</sup>, nor do they ever volunteer such.<sup>499</sup> Ministerial explanations were not explanations of the Crown. It might be that some ministerial arrangements might require explanations, and some might not. With regard to the late changes in the administration, ministers felt that they had no explanations to give, and that none were required of them. The administration was virtually the same as it was the last session, when it possessed to so large an extent the confidence of that House and of the country. It was actuated by the same principles, and<sup>500</sup> as to the individual members of the ministry five of them retained the offices they held before.<sup>501</sup> One gentleman, his hon. friend from Lincoln, had resigned his former office to take one at a lower salary for which almost the unanimous voice of the country declared his fitness. One



gentleman had joined the Government, but he was one who had always voted with them, whose views were identical with their own. It was true that two members had left them for private reasons in which the public were not interested; another member too had left the Government, and if any explanation from him in regard to his resignation, made it necessary for them to speak--they should be ready to do so.<sup>502</sup> But if he did not feel it necessary, certainly ministers did not.<sup>503</sup> The case required no explanation on their part and they had none to give.<sup>504</sup>

SIR A. MACNAB asked whether the explanations given in the Globe newspaper on the part of the Ministry, and those in the Ezaminer (sic) on the part of<sup>505</sup> Mr. Cameron,<sup>506</sup> the late Assistant Commissioner of the Board of Works, were given by authority of the Government?<sup>507</sup>

MR. AT. GEN. BALDWIN gave no official explanations thro' newspapers but only on the floor of the House.<sup>508</sup>

SIR A. MACNAB would like to know whether the statements of the Globe were sanctioned by the Administration. Was it right and proper to let reports go into the newspapers and<sup>509</sup> for the public to be satisfied with the explanations given<sup>510</sup>, then shy the question when it came up in the House.<sup>511</sup> He had no doubt that ministers could throw themselves on their majority and shirk the question.<sup>512</sup> He must conclude that the parties had agreed to be mum.<sup>513</sup>

MR. AT. GEN. BALDWIN, we shirk nothing.<sup>514</sup>

The conservation (sic) dropped.<sup>515</sup>

((QUESTION AND ANSWER RE: SEIGNORIAL TENURE.))<sup>516</sup>

DR. DAVIGNON. Je demande si c'est l'intention du gouvernement de passer ((à)) cette session certaines résolutions introduites l'année dernière au sujet de la tenure seigneuriale?<sup>517</sup>

MR. AT. GEN. LAFONTAINE. Aussitôt que la chambre aura répondu au discours du trône, je lui soumettrai mes résolutions à ce sujet. (Ecoutez, écoutez.)<sup>518</sup>

((WITHDRAWN MOTION RE: COMMITTEE ON PUBLISHING THE GOVERNMENT GAZETTE AND PROVINCIAL STATUTES.))<sup>519</sup>

MR. MCLEAN moved for a committee of five members to enquire into the mode of publishing and distributing the Government Gazette and the<sup>520</sup> Provincial Statutes.<sup>521</sup>

MR. INSP. GEN. HINCKS suggested that these matters would come under the scrutiny of the large Committee proposed to be appointed on the whole revenue and expenditure of the Province, and that the Honorable member might advantageously postpone his motion until the result of that Committee's labors was ascertained.<sup>522</sup>

MR. MCLEAN consented to withdraw his motion.<sup>523</sup>

MR. CHRISTIE thought the subject might profitably ((be)) made the matter of inquiry by a separate Committee.<sup>524</sup>

MR. INSP. GEN. HINCKS thought it would be very inconvenient having two Committees on one subject. The large Committee would be charged with inquiry into the whole expenditure, and this one would be engaged on a branch of it. Besides, it was not impossible that the Committee might find it convenient to have no Gazette at all.<sup>525</sup>

The motion was withdrawn.<sup>526</sup>

FOOTNOTES: 21 May 1850.

1. The following papers reported the debate on this matter in identical accounts: HAMILTON SPECTATOR, 25 May 1850, and KENT ADVERTISER, 30 May 1850, both copied from GLOBE, 23 May 1850. The following papers reported the debate in partially identical accounts: EXAMINER, 22 May 1850, BRITISH WHIG, 25 May 1850, PILOT, 25 May 1850, ST. CATHARINES JOURNAL, 30 May 1850, and BATHURST COURIER, 31 May 1850. The debate was also reported by: BRITISH COLONIST, 24 May 1850; NORTH AMERICAN, 24 May 1850; MONTREAL GAZETTE, 25 May 1850; PACKET, 1 June 1850; and L'AVENIR, 1 June 1850.
2. HAMILTON SPECTATOR, 25 May 1850.
3. BRITISH COLONIST, 24 May 1850.
4. HAMILTON SPECTATOR, 25 May 1850.
5. BRITISH COLONIST, 24 May 1850.
6. HAMILTON SPECTATOR, 25 May 1850.
7. BRITISH COLONIST, 24 May 1850.
8. HAMILTON SPECTATOR, 25 May 1850.
9. NORTH AMERICAN, 24 May 1850.
10. BATHURST COURIER, 31 May 1850.
11. HAMILTON SPECTATOR, 25 May 1850.
12. MONTREAL GAZETTE, 25 May 1850.
13. BRITISH COLONIST, 24 May 1850.
14. HAMILTON SPECTATOR, 25 May 1850.
15. BRITISH COLONIST, 24 May 1850.
16. MONTREAL GAZETTE, 25 May 1850.
17. HAMILTON SPECTATOR, 25 May 1850.
18. MONTREAL GAZETTE, 25 May 1850.
19. HAMILTON SPECTATOR, 25 May 1850.
20. MONTREAL GAZETTE, 25 May 1850.
21. BRITISH COLONIST, 24 May 1850.
22. HAMILTON SPECTATOR, 25 May 1850.
23. MONTREAL GAZETTE, 25 May 1850.
24. HAMILTON SPECTATOR, 25 May 1850.
25. MONTREAL GAZETTE, 25 May 1850.
26. BRITISH COLONIST, 24 May 1850.
27. HAMILTON SPECTATOR, 25 May 1850.
28. BRITISH COLONIST, 24 May 1850.
29. BATHURST COURIER, 31 May 1850.
30. BRITISH COLONIST, 24 May 1850.
31. BATHURST COURIER, 31 May 1850.
32. HAMILTON SPECTATOR, 25 May 1850.
33. NORTH AMERICAN, 24 May 1850.
34. MONTREAL GAZETTE, 25 May 1850.
35. NORTH AMERICAN, 24 May 1850.
36. HAMILTON SPECTATOR, 25 May 1850.
37. BRITISH COLONIST, 24 May 1850.
38. HAMILTON SPECTATOR, 25 May 1850.
39. BRITISH COLONIST, 24 May 1850.
40. HAMILTON SPECTATOR, 25 May 1850.
41. BATHURST COURIER, 31 May 1850.
42. MONTREAL GAZETTE, 25 May 1850.
43. KENT ADVERTISER, 30 May 1850, copied from GLOBE, 23 May 1850.
44. The following papers reported the debate on this matter in identical accounts: GLOBE, 23 May 1850, and BATHURST COURIER, 31 May 1850. The debate was also reported by NORTH AMERICAN, 24 May 1850. BRITISH COLONIST, 24 May 1850, noted the debate, and commented: "They were received by the House with a running accompaniment (sic) of ironical 'Hear, hear,' which must have been anything

but consolatory to the hon. member."

45. BATHURST COURIER, 31 May 1850. This was also reported by NORTH AMERICAN, 24 May 1850.
46. The following papers reported the debate on this matter in identical accounts: HAMILTON SPECTATOR, 25 May 1850, and JOURNAL DE QUEBEC, 28 May 1850, both copied from GLOBE, 23 May 1850. The following papers reported the debate in partially identical accounts: EXAMINER, 22 May 1850, BRITISH WHIG, 25 May 1850, PILOT, 25 May 1850, ST. CATHARINES JOURNAL, 30 May 1850, BATHURST COURIER, 31 May 1850, and PACKET, 1 June 1850. The debate was also reported by: BRITISH COLONIST, 24 May 1850; NORTH AMERICAN, 24 May 1850; MONTREAL GAZETTE, 25 May 1850; MONTREAL TRANSCRIPT, 25 May 1850; and L'AVENIR, 1 June 1850. Commentaries appeared in: BRITISH COLONIST, 24 May 1850; MONTREAL TRANSCRIPT, 25 May 1850; and PILOT, 4 June 1850.
47. BRITISH COLONIST, 24 May 1850.
48. HAMILTON SPECTATOR, 25 May 1850.
49. BATHURST COURIER, 31 May 1850.
50. HAMILTON SPECTATOR, 25 May 1850.
51. BRITISH COLONIST, 24 May 1850.
52. HAMILTON SPECTATOR, 25 May 1850.
53. BRITISH COLONIST, 24 May 1850.
54. HAMILTON SPECTATOR, 25 May 1850.
55. BRITISH COLONIST, 24 May 1850.
56. HAMILTON SPECTATOR, 25 May 1850.
57. BRITISH COLONIST, 24 May 1850.
58. IBID.
59. NORTH AMERICAN, 24 May 1850.
60. BRITISH COLONIST, 24 May 1850.
61. HAMILTON SPECTATOR, 25 May 1850.
62. MONTREAL TRANSCRIPT, 25 May 1850.
63. HAMILTON SPECTATOR, 25 May 1850.
64. MONTREAL GAZETTE, 25 May 1850.
65. BRITISH COLONIST, 24 May 1850.
66. MONTREAL GAZETTE, 25 May 1850.
67. BRITISH COLONIST, 24 May 1850.
68. MONTREAL TRANSCRIPT, 25 May 1850.
69. HAMILTON SPECTATOR, 25 May 1850.
70. BRITISH COLONIST, 24 May 1850.
71. HAMILTON SPECTATOR, 25 May 1850.
72. MONTREAL TRANSCRIPT, 25 May 1850.
73. NORTH AMERICAN, 24 May 1850.
74. HAMILTON SPECTATOR, 25 May 1850.
75. BRITISH COLONIST, 24 May 1850.
76. HAMILTON SPECTATOR, 25 May 1850.
77. NORTH AMERICAN, 24 May 1850.
78. HAMILTON SPECTATOR, 25 May 1850.
79. BRITISH COLONIST, 24 May 1850.
80. BATHURST COURIER, 31 May 1850.
81. BRITISH COLONIST, 24 May 1850.
82. HAMILTON SPECTATOR, 25 May 1850.
83. NORTH AMERICAN, 24 May 1850.
84. HAMILTON SPECTATOR, 25 May 1850.
85. BRITISH COLONIST, 24 May 1850.
86. HAMILTON SPECTATOR, 25 May 1850.
87. MONTREAL TRANSCRIPT, 25 May 1850.
88. HAMILTON SPECTATOR, 25 May 1850.
89. NORTH AMERICAN, 24 May 1850.
90. BRITISH COLONIST, 24 May 1850.



91. NORTH AMERICAN, 24 May 1850.
92. MONTREAL TRANSCRIPT, 25 May 1850.
93. NORTH AMERICAN, 24 May 1850.
94. MONTREAL GAZETTE, 25 May 1850.
95. NORTH AMERICAN, 24 May 1850.
96. HAMILTON SPECTATOR, 25 May 1850.
97. BRITISH COLONIST, 24 May 1850.
98. HAMILTON SPECTATOR, 25 May 1850.
99. MONTREAL GAZETTE, 25 May 1850.
100. HAMILTON SPECTATOR, 25 May 1850.
101. BRITISH COLONIST, 24 May 1850.
102. NORTH AMERICAN, 24 May 1850.
103. BRITISH COLONIST, 24 May 1850.
104. NORTH AMERICAN, 24 May 1850.
105. HAMILTON SPECTATOR, 25 May 1850.
106. NORTH AMERICAN, 24 May 1850.
107. HAMILTON SPECTATOR, 25 May 1850.
108. BRITISH COLONIST, 24 May 1850.
109. HAMILTON SPECTATOR, 25 May 1850.
110. IBID.
111. MONTREAL TRANSCRIPT, 25 May 1850.
112. HAMILTON SPECTATOR, 25 May 1850.
113. MONTREAL TRANSCRIPT, 25 May 1850.
114. BRITISH COLONIST, 24 May 1850.
115. MONTREAL TRANSCRIPT, 25 May 1850.
116. MONTREAL GAZETTE, 25 May 1850.
117. MONTREAL TRANSCRIPT, 25 May 1850.
118. BRITISH COLONIST, 24 May 1850.
119. NORTH AMERICAN, 24 May 1850.
120. BRITISH COLONIST, 24 May 1850.
121. IBID.
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123. NORTH AMERICAN, 24 May 1850.
124. BRITISH COLONIST, 24 May 1850.
125. NORTH AMERICAN, 24 May 1850.
126. BRITISH COLONIST, 24 May 1850.
127. MONTREAL TRANSCRIPT, 25 May 1850.
128. BRITISH COLONIST, 24 May 1850.
129. MONTREAL TRANSCRIPT, 25 May 1850.
130. HAMILTON SPECTATOR, 25 May 1850.
131. MONTREAL TRANSCRIPT, 25 May 1850.
132. HAMILTON SPECTATOR, 25 May 1850.
133. MONTREAL TRANSCRIPT, 25 May 1850.
134. NORTH AMERICAN, 24 May 1850.
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139. NORTH AMERICAN, 24 May 1850.
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141. MONTREAL GAZETTE, 25 May 1850.
142. BRITISH COLONIST, 24 May 1850.
143. MONTREAL GAZETTE, 25 May 1850.
144. BRITISH COLONIST, 24 May 1850.
145. MONTREAL TRANSCRIPT, 25 May 1850.
146. HAMILTON SPECTATOR, 25 May 1850.
147. MONTREAL GAZETTE, 25 May 1850.

148. MONTREAL TRANSCRIPT, 25 May 1850.
149. HAMILTON SPECTATOR, 25 May 1850.
150. MONTREAL TRANSCRIPT, 25 May 1850.
151. HAMILTON SPECTATOR, 25 May 1850.
152. IBID.
153. MONTREAL TRANSCRIPT, 25 May 1850.
154. HAMILTON SPECTATOR, 25 May 1850.
155. BRITISH COLONIST, 24 May 1850.
156. HAMILTON SPECTATOR, 25 May 1850.
157. MONTREAL GAZETTE, 25 May 1850.
158. HAMILTON SPECTATOR, 25 May 1850.
159. IBID.
160. IBID.
161. The following papers reported the debate on this matter in identical accounts: PILOT, 25 May 1850, PACKET, 1 June 1850; LA MINERVE, 25 May 1850, JOURNAL DE QUEBEC, 28 May 1850, copied from LA MINERVE, 25 May 1850; LA MINERVE, 27 May 1850, JOURNAL DE QUEBEC, 1 June 1850, copied from LA MINERVE, 27 May 1850. The following papers reported the debate in partially identical accounts: BRITISH COLONIST, 24 May 1850, ST. CATHARINES JOURNAL, 30 May 1850; HAMILTON SPECTATOR, 25 May 1850, and NORTH AMERICAN, 28 May 1850, both copied from GLOBE, 23 May 1850; EXAMINER, 29 May 1850, and NORTH AMERICAN, 24 May 1850. The debate was also reported by: MONTREAL GAZETTE, 25 May 1850; MORNING CHRONICLE, 27 May 1850, copied from MONTREAL HERALD, of unknown date; PILOT, 28 May 1850; KENT ADVERTISER, 30 May 1850; and L'AVENIR, 1 June 1850. BATHURST COURIER, 31 May 1850, noted the debate. Commentaries appeared in MONTREAL TRANSCRIPT, 25 May 1850; and LA MINERVE, 25 May 1850. BATHURST COURIER, 31 May 1850, noted that: "Mr. Papineau followed in a speech of about 2½ hours length."
162. BRITISH COLONIST, 24 May 1850.
163. EXAMINER, 29 May 1850.
164. HAMILTON SPECTATOR, 25 May 1850.
165. EXAMINER, 29 May 1850.
166. HAMILTON SPECTATOR, 25 May 1850.
167. MORNING CHRONICLE, 27 May 1850.
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169. HAMILTON SPECTATOR, 25 May 1850.
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171. HAMILTON SPECTATOR, 25 May 1850.
172. BRITISH COLONIST, 24 May 1850.
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185. BRITISH COLONIST, 24 May 1850.
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223. MONTREAL GAZETTE, 25 May 1850.
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430. MONTREAL GAZETTE, 25 May 1850.
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468. BRITISH COLONIST, 24 May 1850.
469. MORNING CHRONICLE, 27 May 1850.
470. EXAMINER, 29 May 1850.
471. IBID.
472. MORNING CHRONICLE, 27 May 1850.
473. BRITISH COLONIST, 24 May 1850.
474. MORNING CHRONICLE, 27 May 1850.
475. BRITISH COLONIST, 24 May 1850.

476. MONTREAL GAZETTE, 25 May 1850.
477. MORNING CHRONICLE, 27 May 1850.
478. IBID.
479. IBID.
480. IBID.
481. IBID.
482. This notice was reported by: PILOT, 28 May 1850; and L'AVENIR, 1 June 1850.
483. PILOT, 28 May 1850.
484. L'AVENIR, 1 June 1850.
485. IBID.
486. The following papers reported the debate on this question in identical accounts: EXAMINER, 22 May 1850, BRITISH WHIG, 25 May 1850, PILOT, 25 May 1850, ST. CATHARINES JOURNAL, 30 May 1850, BATHURST COURIER, 31 May 1850, PACKET, 1 June 1850; MONTREAL GAZETTE, 22 May 1850, BRITISH WHIG, 22 May 1850, MORNING CHRONICLE, 22 May 1850, PILOT, 23 May 1850, and PACKET, 25 May 1850. The debate was also reported by: BRITISH COLONIST, 24 May 1850; NORTH AMERICAN, 24 May 1850; MONTREAL GAZETTE, 25 May 1850; PILOT, 28 May 1850; GLOBE, 23 May 1850, copied by KENT ADVERTISER, 30 May 1850; and L'AVENIR, 1 June 1850. A commentary appeared in BRITISH COLONIST, 24 May 1850.
487. BRITISH COLONIST, 24 May 1850.
488. ST. CATHARINES JOURNAL, 30 May 1850.
489. BRITISH COLONIST, 24 May 1850.
490. NORTH AMERICAN, 24 May 1850.
491. BRITISH COLONIST, 24 May 1850.
492. NORTH AMERICAN, 24 May 1850.
493. IBID.
494. KENT ADVERTISER, 30 May 1850.
495. NORTH AMERICAN, 24 May 1850.
496. KENT ADVERTISER, 30 May 1850.
497. NORTH AMERICAN, 24 May 1850.
498. KENT ADVERTISER, 30 May 1850.
499. BRITISH COLONIST, 24 May 1850.
500. IBID.
501. ST. CATHARINES JOURNAL, 30 May 1850.
502. KENT ADVERTISER, 30 May 1850.
503. BRITISH COLONIST, 24 May 1850.
504. KENT ADVERTISER, 30 May 1850.
505. MONTREAL GAZETTE, 25 May 1850.
506. ST. CATHARINES JOURNAL, 30 May 1850.
507. MONTREAL GAZETTE, 25 May 1850.
508. KENT ADVERTISER, 30 May 1850.
509. IBID.
510. BRITISH COLONIST, 24 May 1850.
511. KENT ADVERTISER, 30 May 1850.
512. BRITISH COLONIST, 24 May 1850.
513. KENT ADVERTISER, 30 May 1850.
514. BRITISH COLONIST, 24 May 1850.
515. IBID.
516. The following papers reported this exchange in identical accounts: MONTREAL GAZETTE, 22 May 1850, BRITISH WHIG, 22 May 1850, MORNING CHRONICLE, 22 May 1850, PILOT, 23 May 1850, and PACKET, 25 May 1850. The exchange was also reported by: MONTREAL GAZETTE, 25 May 1850; PILOT, 28 May 1850; GLOBE, 23 May 1850, copied by KENT ADVERTISER, 30 May 1850, and JOURNAL DE QUEBEC, 28 May 1850.
517. JOURNAL DE QUEBEC, 28 May 1850.
518. IBID.

519. This exchange was reported by: MONTREAL GAZETTE, 25 May 1850; PILOT, 28 May 1850; GLOBE, 23 May 1850, copied by KENT ADVERTISER, 30 May 1850; and L'AVENIR, 1 June 1850.
520. MONTREAL GAZETTE, 25 May 1850.
521. KENT ADVERTISER, 30 May 1850.
522. IBID.
523. IBID.
524. IBID.
525. IBID.
526. IBID.



WEDNESDAY, 22 MAY 1850.

(16)

Trinity House  
Accounts.

MR. SPEAKER laid before the House, the Accounts of the Trinity Houses of Quebec and Montreal, for the year ending 31st December, 1849.

Appendix (D.)

For the said Accounts, see Appendix (D.)

Montreal Turn-  
pike Roads.

And also, Accounts of the Trustees of the Montreal Turnpike Roads, from 1st December, 1848, to 31st December, 1849.

Appendix (E.)

For the said Accounts, see Appendix (E.)

Petitions  
brought up.

The following Petitions were severally brought up, and laid on the table:--

By Mr. Scott of Two Mountains,--The Petition of the Right Reverend the Roman Catholic Bishop of Montreal and others, Members of the Corporation of the Seminary of Ste. Thérèse de Blainville.

By Mr. Dumas,--The Petition of the Reverend F. Labelle and others, of the Parish of Repentigny.

By Mr. Davignon,--The Petition of Pierre A.C. Munro and others, Physicians and Surgeons, Professors of the School of Medicine, and others, of the City of Montreal.

By Mr. Taché,--The Petition of Olivier Plette and others, Members of the Temperance Society of the Parish of St. Roch des Aulnets, District of Quebec; the Petition of the Reverend H. Routier and others, of the Counties of Kamouraska and Rimouski; and the Petition of the Honorable A. Dionne and others, Members of the Temperance Society of Ste. Anne LaPocatière.

By the Honorable Mr. LaTerrière,--The Petition of Louis G. Tremblay and others, of Chicoutimi, La Baie des Ha-Ha, and other places in the County of Saguenay.

By Mr. Solicitor General Drummond,--The Petition of W.L. Felton, Esquire, and others, Electors of the County of Sherbrooke; the Petition of L.A. Dessaulles, Mayor, and others, Councillors and Inhabitants of the Village of St. Hyacinthe; and the Petition of the President and Directors of the County of Shefford Academy.

By Mr. Bouthillier,--The Petition of Pierre Boucher and others, of the Parish of St. Simon, County of St. Hyacinthe.

By Mr. Thompson,--The Petition of the Municipal Council of the Village of Galt.

By the Honorable Mr. Robinson,--The Petition of William Magrath and others, Hop-planters, and others interested in the Agriculture of the country.

By the Honorable Mr. Attorney General LaFontaine,--The Petition of the Montreal Ladies Benevolent Society.

By Mr. Smith of Frontenac,--The Petition of Thomas Kirkpatrick and others, of the City of Kingston.

By Mr. Smith of Wentworth,--Two Petitions of the Municipality of the Township of Brantford.

By Mr. Egan,--The Petition of Edouard Masse and others, of Bytown.

By Mr. Fergusson,--The Petition of Lewis D. Adams and others, of the Township of Maryborough, County of Waterloo.

By Sir Allan N. MacNab,--The Petition of James Cummings, Esquire, and others, of the City of Hamilton.

Sherbrooke  
County  
Election.

Mr. Speaker acquainted the House, that William Locker Felton and Joseph Gibb Robertson, Esquires, had entered into the usual Recognizance required by law, on the subject matter of the Contested Election for the County of Sherbrooke.

On motion of the Honorable Mr. Attorney General Baldwin, seconded by the Honorable Mr. Attorney General LaFontaine,

Answer to  
Speech to be  
disposed of be-  
fore proceeding  
with other  
business of  
the House.

Resolved, That in the present Session of Parliament, until the Address of this House in answer to the Speech from the Throne at the opening of the Session shall have been adopted and ordered to be presented, the Order of day for the consideration of the Speech with a view to such Address, or for any proposition for such Address, or for any Amendment to the same, or for any adjourned Debate upon such consideration, proposition or amendment, which shall be set down in the Order Book for any particular day, shall be disposed of before the House will proceed with the daily Routine, according to the Standing Order of this House of the 28th June, 1841, or upon any motions of which notices shall be entered in the Order Book.

Speech further  
considered.

The Order of the day being read, for resuming the adjourned Debate upon the Amendment which was yesterday proposed to be made to the Question, That an humble Address be presented to His Excellency the Governor General, thanking His Excellency for his gracious Speech from the Throne at the opening of the present Session of Parliament:

To assure His Excellency that this House cordially unites with him in deeply regretting the death of the Queen Dowager, a Princess whose many virtues endeared her to all classes of Her Majesty's subjects:

That the occurrences of the past year, and the necessity which had arisen for providing suitable accommodation for Parliament while in Session, having imposed on His Excellency the duty of considering during the Recess, the important subject contained in the Address of this House of last Session, relating to the places for holding the future meetings of the Legislature, His Excellency in giving effect to

(17)

the prayer of that Address by summoning Parliament to meet at this place, has given additional proof of his desire to meet the wishes of the People, as expressed through their Representatives:

That this House trusts with His Excellency, that the important changes recently made in the Imperial Navigation Laws, and the improvements effected in the Provincial Canals, will tend to promote materially the commercial interests of the Province, and to attract to the route of the St. Lawrence, a considerable portion of the Emigration from Europe to this Continent:

That it affords this House much gratification to learn from His Excellency that recent advices from England indicate a marked improvement in the value of Canadian Securities in the British market, and they assure His Excellency that nothing shall be wanting on their part which may have a tendency to encourage such reviving confidence:

That this House is fully sensible of the great importance to these Colonies of placing the Trade between the British North American Provinces on the most unrestricted footing, and they rejoice to learn that His Excellency has, during the Recess, been in communication with the Lieutenant Governors of Nova Scotia, New Brunswick, and Prince Edward Island, and with the Governor of Newfoundland, upon this subject, and to assure His Excellency that they are fully prepared to place such powers in the hands of the Executive Government as may enable it to meet the advances of the Sister Colonies in a liberal spirit:

That this House is pleased to learn that a measure for the establishment of free trade between Canada and the United States in certain articles the natural products of each, corresponding to that passed by the Legislature of this Province at its last Session on the same subject, is now under the consideration of the Congress of that country:

That this House is glad to learn that by an Act passed during the last Session of the Imperial Parliament, the entire control of the internal Posts in British North America is vested in the Provincial Authorities, and they are prepared to take



such further action on this subject as may be necessary in order to secure for the inhabitants of this Province, the benefit of a cheap and uniform postage rate:

That the expediency of effecting an encrease in the Parliamentary Representation of the Province shall not fail again to engage their attention:

That this House will give its best attention to any measure that may be submitted for its consideration, founded on the Report of the Commissioners appointed to enquire into the conduct, discipline, and management of the Provincial Penitentiary, and they feel that the increasing wealth and population of the Province, and the growing aversion to Capital Punishment, render it highly important that the system of discipline established in that Institution, and in the Gaols, should be made as far as possible effectual for the prevention of crime and the reformation of offenders:

That they will be happy to receive the communications from Her Majesty's Commissioners for the promotion of the Exhibition of the Works of Industry of all Nations, to be held in London, in 1851, transmitted to His Excellency through Her Majesty's Secretary of State for the Colonies, and they feel the fullest confidence that the hope expressed by His Excellency that Canadian industry and produce will be fittingly represented on that occasion, will not be disappointed:

That this House is happy to find that the practice and proceedings in the Court of Chancery in Upper Canada have been placed upon an improved footing, calculated to facilitate the business of the Court and lessen expense to suitors:

To assure His Excellency that they will not fail to take into their most deliberate consideration, as of analogous, and perhaps even equal importance, the jurisdiction and practice of the Inferior Courts in that part of the Province, with a view to the extension of their sphere of usefulness, and the lessening as much as possible the expense of litigation:

That the regulation of Municipalities, and the construction of Gaols and Court Houses in Lower Canada, and the laws for the selection and return of Jurors, and those for the Assessment of property for local purposes in Upper Canada, shall also engage their best attention:

That this House will not fail to give their most careful consideration to the Accounts of the past, and the Estimates for the present year, whenever they shall be transmitted to them by His Excellency:

That this House receives with peculiar satisfaction the recommendation of His Excellency to direct their attention to an enquiry into the Revenue and Expenditure of the Province, and trust that the consideration of this important subject thus introduced under the highest sanction, will not fail to be attended with beneficial results, as well in dispelling illusory expectations, as in leading to the adoption of every practicable retrenchment that the efficiency of the public service will permit:

To assure His Excellency that he may fully rely on the readiness of this House to grant the necessary Supplies for the public service, and for the maintenance of the Provincial credit, than which they feel no duty connected with the discharge of their legislative functions to be more sacred:

That this House fully concurs with His Excellency that in the exercise of the Prerogative with which he is entrusted, it was his duty to mark Her Majesty's disapprobation of the course taken by persons holding Commissions at the pleasure of the Crown, who formally avowed the desire to bring about the separation of this Province from the Empire of which it is a part:

To assure His Excellency that the views put forward by such persons, and by those who act with them, do not find favor with any considerable portion of Her Majesty's Canadian subjects:

That the great majority of the people of the Province have, on the contrary, given at this conjuncture proofs, not to be mistaken, of loyalty to the Queen, and attachment to the connection with Great Britain: they look to their own Parliament for the redress of grievances which may be proved to exist, and for the adoption of such measures of improvement as may be calculated to promote their happiness and



prosperity; and the confidence placed by them in the wisdom of Parliament will, this House is assured, be fully justified. While dealing unsparingly with abuses, they will not barter away for novelties, rights dear to British subjects, nor abandon those principles of good faith, morality and constitutional freedom, the strict adherence to which has enabled Great Britain, with God's blessing, to pass unscathed through many perils;

And which Amendment was, That all the words after "That" in the twelfth paragraph, to the end of the thirteenth paragraph be left out, and the words, "That it is the opinion of this House, that the Province is not in a condition to bear the heavy expense and delays, and complicated machinery of the Court of Chancery in Upper Canada, and that the said Court is not required and ought to be abolished, it having failed in the purposes for which it was originally erected; and that equitable jurisdiction should be extended to the Superior and Inferior Courts of Common Law in Upper Canada," inserted instead thereof.

(18)

And the Question on the Amendment being again proposed:--The House resumed the said adjourned Debate.<sup>1</sup>

MR. ROBINSON was not sufficiently acquainted with the affairs of the Court of Chancery to be able to determine then ~~that the Court should be abolished~~<sup>2</sup> at once.<sup>3</sup> ((He)) did not know how far the New Rules would mitigate or destroy the evils of the Chancery Court complained of by the people<sup>4</sup>. He would not say, however, that at another period of the session, when the new Rules had been laid before the House, and they had been discussed, it would not be necessary to introduce some other measure on the subject.<sup>5</sup> He should move that they be referred to a Committee to ascertain what changes they had made. He would, therefore, vote against the amendment.<sup>6</sup>

COL. PRINCE was surprised to hear objections from the hon. member for Simcoe<sup>7</sup>, who had just sat down,<sup>8</sup> though he would not have wondered, had they come from the other side of the House, because he knew they were shivering in their shoes, from an apprehension that the adoption of his amendment would be tantamount to a vote of want of confidence. He did not doubt that the hon. Commissioner for Public Works would coolly<sup>9</sup> get up and vote for its continuance<sup>10</sup>, although he had<sup>11</sup> almost been skinned alive by the Court<sup>12</sup> of Chancery, because they (the Ministry) must hang together like a bundle of sticks. He was surprised that they had not heard any arguments from either side of the House to show that that Court, with its immense costs,<sup>13</sup> ruinous character<sup>14</sup>, and its useless machinery, was advantageous to the country. His hon. friend, the member for Simcoe, was mistaken in supposing that the passing of the amendment would necessarily create an immediate abolition of that Court. He did not wish that it should be abolished at once,--the cases now before it, must be first disposed of.<sup>15</sup> Public opinion was decidedly opposed to its existence.<sup>16</sup> He implored hon. members on both sides of the House,<sup>17</sup> the members from Lower Canada<sup>18</sup>, and also the Ministry, (who he knew, at heart, detested that Court) to support him in the amendment,<sup>19</sup> in removing this overwhelming course (sic) from the already impoverished country.<sup>20</sup>

MR. J. SMITH, (Durham) said it appeared to him,<sup>21</sup> that this measure would have come far better from the hon. member for Essex last session,<sup>22</sup> when the Chancery Bill came before the House<sup>23</sup>, before the changes then made<sup>24</sup>, effecting a reform in this Court<sup>25</sup>. After the old system, with all its faults and evils, had existed for 18 years, and been tolerated by the hon. gentleman, it was singular to see him asking to abolish what had been introduced as a remedy, without giving it a trial. The new system had hardly an existence; as yet the new rules had not been laid on the table of the House<sup>26</sup>, and it was wrong to propose to abolish it. He argued that such a Court was necessary and that if it was reformed it would not be what it had been before.<sup>27</sup> He knew that the Chancery Court had given much dissatisfaction, but that arose from the effects of the old system and not from the new.<sup>28</sup> It would be time enough to grumble with the measure when they knew how it worked.<sup>29</sup> He felt that

his constituents would not bear him out in voting for the amendment, knowing the necessity there was for the Court, and the amount of business at present before it.<sup>30</sup> He should therefore oppose the amendment.<sup>31</sup>

SIR A. MACNAB could not vote for the motion, but he believed<sup>32</sup> that at that moment there could be no more popular measure in the country than the destruction of the Court of Chancery; he believed the country was thoroughly prejudiced against it;<sup>33</sup> and the bill which was passed last Session, in regard to it, was considered<sup>34</sup> at the best but a job and a disgraceful job it was.<sup>35</sup> Public opinion was decidedly opposed to it.<sup>36</sup> He was not prepared to vote on the amendment until he had heard the opinions of the Ministry, when he hoped to see whether that court could be made more acceptable to the country than it was at present.<sup>37</sup>

MR. MCLEAN believed that it ought to be abolished, and he intended to support the amendment.<sup>38</sup>

MR. MORRISON spoke at some length, but was inaudible in the gallery.<sup>39</sup> Mr. Morrison said, that the present debate was not the time when this subject should be discussed. He had not intended saying anything at present, but purposed reserving his remarks to the time when the proposed Bill of the member for Essex was brought before the House. The member for Essex admitted yesterday that he had not seen the new rules. He was sure that if the hon. member had seen those rules--had considered their effect upon proceedings in Chancery--he would have paused before pressing the present amendment. He held a copy of the rules in his hand, and for the information of the member for Essex he would merely note some of the proceedings that were abolished; proceedings which, no doubt the hon. member was aware, were the cause of the ruinous expenses in that court: first, the court had abolished 112 orders of the former court, and enacted new ones, by which supplemental bills, bills of review--(the hon. member, mentioned many more and proceeded)--from these unnecessary proceedings, had arisen the large amount of costs; the delays and all the vexation of chancery suits<sup>40</sup>. They would also cause the practice to be assimilated as much as possible, to that which prevailed in the Queen's Bench. Another important change was that of taking evidence viva voce<sup>41</sup>, and the expensive process of written interrogatories and answers was abolished. The master's office put upon an improved footing, cases would be more expedited and costs lessened.<sup>42</sup> He had been informed by the Judges of the Chancery Court, that if any case remained unsettled in that Court, for more than six months, it was the sole fault of the parties interested.<sup>43</sup> He admitted that the old court was a curse instead of a blessing, as the member for Essex intended it should be. The complaints of the country were directed not against the court itself, but against the delays, the expense, and the useless forms and proceedings tolerated there. Lawyers are cried down because it is asserted that they are desirous of retaining the abuses of that court; on the contrary, time after time the unanimous voice of the profession was embodied in petitions to the government to amend the chancery act--place the court upon a solid footing--or abolish it altogether. It was pressed upon the late administration, and they had not the courage to attack it; a change had been effected last Session, and the court remodelled--but not a month has elapsed since the new system was promulgated, when hon. members in this house, and popularity hunters out of this house, cry for its repeal! The absurdity of such a cry was too glaring to require arguments to rebut it. Give the Court a fair trial, and if it will not answer the object intended, abolish it if you will. When the chancery act of last session was passing through the house, no such opposition was given to it.<sup>44</sup> He had understood the hon. member for Essex to have stated last evening, that he<sup>45</sup> was not present at the debate<sup>46</sup> when the Chancery bill came before the house<sup>47</sup>. He would correct the hon. member--he was present, and he would recall it to his memory by the eulogy he then passed upon the chancellor.<sup>48</sup>

COL. PRINCE rose in explanation.<sup>49</sup> The statement was correct.<sup>50</sup> He said he remembered that he was present at the ... third reading, and had stated that the



present system was better than the old one<sup>51</sup>, and admitted that Mr. Blake was the most proper person for the office of chancellor.<sup>52</sup>

MR. MORRISON continued: Hon. members ask for equity powers to be conferred upon the courts of law; in that case there would be no saving of expense to the country.<sup>53</sup> The hon. member must know that the Judges of the Common Pleas and the Queen's Bench had enough else to do. If they lodged that power into their hands, the House would have to consent to the creation of more judgeships (sic). (Hear, hear.)<sup>54</sup> ((They)) could not perform all the duties of both courts; they have enough on their hands as it is--at the several Assizes lately held, they could not get through the whole of the business. Equity powers must be placed somewhere; you must have judges to perform the work, and it is not a matter of moment what court you call it.<sup>55</sup> The salaries of judges were constantly being brought before the country as excessive, but the judges must be well paid or the business would not be well done.<sup>56</sup> The people of this country are excessively (sic) litigious; he believed that in no country in the world was there so much litigation. You may abolish courts and lawyers, still litigation will proceed, and parties must be paid for their services. He had no objections to an enquiry into the subject of the law practice; but he thought the best mode was to appoint a committee to whom the various propositions could be submitted,<sup>57</sup> having reference to the administration of justice, and to ascertain the improvements which could be made<sup>58</sup>, and report the same to the house.<sup>59</sup> But it was not right that one member should rise there and move that any one may act as lawyers; and another to rise and move for repeal of some other legal system. He must also observe that<sup>60</sup> in the State of New York they had introduced a new system, which in effect had destroyed the common law system, and introduced the bill and answer system of chancery in all proceedings (sic): the effect is now apparent--the press is attacking it--it is more expensive and complicated--and a few years will see it swept away. The cry in that State was to abolish the court of chancery, and merge it in the common law courts; but a Judge Edmonds, one of its most distinguished Judges, said in a late address,<sup>61</sup> all the proceedings in the Common Law Courts were fast becoming chancery proceedings, and that Judge predicted that in a few years the people of the State of New York would get tired of their present system.<sup>62</sup> Hon. members must pause before they mingle the two jurisdictions in one set of Judges. They must duly consider the subject. The Judiciary system cannot be perfected in one day. After the new rules are placed in the hands of hon. members, they will then be better able to judge of the reform in that court, and he advised, for the present, that the hon. member withdraw his amendment. The object intended by this amendment could not be effected by the present course; it is intended merely as an attack upon the ministry.<sup>63</sup>

MR. H. SMITH (Frontenac) was glad that this discussion had been brought on by his hon. friend. He was not surprised that his hon. friend from the Second Riding of York, should<sup>64</sup> ((be)) advocating the continuance of the Court<sup>65</sup>, nor would he be surprised at any other member of the Toronto bar doing so.<sup>66</sup> It was natural that lawyers living in Toronto should<sup>67</sup> speak in favor of a court from which they derived a great deal of money.<sup>68</sup> Nor was he surprised to hear the member for Durham speak in favour of the Court of Chancery. The latter gentleman was not perhaps personally interested in the continuance of the Court, but he had a brother who held a lucrative office in it, which was obtained through the influence of the hon. gentleman himself.<sup>69</sup> But the people were thoroughly opposed to its continuance<sup>70</sup>. There was only one opinion in the country ..., and that was in favour of abolishing it<sup>71</sup>, because, instead of bringing justice to every man's door, it brought them to Toronto for justice.<sup>72</sup> The hon. gentleman who had last spoken stated that the first of the new rules abolished 112 of the old ones, but he dared to say that it enacted about as many more new ones.<sup>73</sup>

MR. MORRISON.--It enacts 90 new rules. (Laughter.)<sup>74</sup>



MR. H. SMITH continued: These were the days of reform, however, of a Reform Administration at any rate, who promised every thing and did nothing.<sup>75</sup> The hon. member who had last spoken said that cases which came before that court were soon settled, but<sup>76</sup> he would state a circumstance of his own knowledge which conclusively proved the necessity of the abolition.<sup>77</sup> He knew an individual who has a case there, and had told him that four years had passed before he could get the evidence completed, that four years more had elapsed before it could be brought before the court, and that he expected another four years would elapse before judgment would be rendered.<sup>78</sup> How often in the common Law Courts did the judge order a nominal verdict; saying that this Court had no power to decide the point at issue, it must be taken to the Court of Chancery.<sup>79</sup> The court ought to be abolished, and if the Ministry refused their consent, they would find their popularity on the wing at the next general election. He did not mean to say that he wished for its immediate abolition, because it was necessary that the cases now before it should be first disposed of.<sup>80</sup> The mover of the amendment did not contemplate abolishing equity jurisdiction. There was no reform so much wanted in the country as the abolition of this Court, and he hoped<sup>81</sup> hon. members would support the amendment, and he could assure<sup>82</sup> the independent members of Lower Canada<sup>83</sup> that they could do no greater good than by voting in its favor.<sup>84</sup>

MR. RICHARDS said, he was surprised to find the hon. mover of the resolutions so much changed since he formerly supported the Chancery Court. He (Mr. R.) had been opposed to the Court.<sup>85</sup> He had once been of opinion that if the opinion of the people of Upper Canada was taken on the subject, nine tenths of them would vote for its abolition<sup>86</sup>, but had voted for the measure of last session, in the hope that it would satisfy the people by thoroughly reforming it: and one reason for his doing so was that it provided an efficient Court of Appeal, which the country very much required.<sup>87</sup> He now looked upon it as reformed.... When the judiciary bills were introduced last session, ministers intimated that they might be left over till this session;<sup>88</sup> what was the consequence?--why there was a numerously signed memorial from the bar of Toronto sent down asking them to go on. Now the hon. gentleman asked them to repeal the very bill they had passed only last session, when it had hardly gone into operation, having only been promulgated three months.<sup>89</sup>

MR. J. CAMERON (Cornwall) after careful<sup>90</sup> et mûre<sup>91</sup> consideration of this question, did not think it right to vote for the amendment. He thought that the Province had just reason to complain of the costs of proceedings in the Court of Chancery. The public outcry was directed more to the abolition of these expenses, than to the abolition of the Court altogether.<sup>92</sup> He was not one of those who thought that Equity Jurisdiction could be transferred to the Common Pleas, or to the Queen's Bench, with a due regard to the efficient administration of justice<sup>93</sup>; the business of both could not be done by the present number of judges. There was one fault in the Court, in his opinion, he considered that there was no need of three judges. He believed however, that he stood almost alone, in Toronto on that subject.<sup>94</sup> He went on to defend the ministry for some of the alterations to the courts and for the appointment of Mr. Blake<sup>95</sup>. He had heard an attack made upon his learned friend the Chancellor of that court.<sup>96</sup> The establishment of the Court and his appointment were called a job. Now, no gentleman of the bar had a larger practice than his hon. friend,<sup>97</sup> and he therefore could not have accepted that office from interested motives, because<sup>98</sup> there was no doubt that in a pecuniary point of view, his acceptance of the office had been to him a decided loss.<sup>99</sup> At the same time, he must be permitted to express his regret, that the hon. gentleman had not carried out, in that Bill all the reforms which he suggested to the late Attorney General Draper.<sup>100</sup> The present Chancellor had been the first to agitate for the reformation of the Court, and a few years ago had published a pamphlet on the cabinet; he was sorry that the Chancellor, in bringing in his bill, had not followed the course recommended in that essay, it was there proposed that the Chancellor should receive £1000 a year, and the<sup>101</sup> two Vice Chancellors<sup>102</sup> £750 each,<sup>103</sup> but in the Bill of last

Session he regretted to see, that the former officer received £1250 per annum, and the two latter £1000 each.<sup>104</sup> He did not see the necessity either of their (sic) being three judges or of the enlarged salary. The sole point of argument in favour of the abolition of the Court was the plea that the Courts of Queen's Bench and Common Pleas could discharge the duties of equity jurisdiction as well. He did not think that this system of mingling the two modes of procedure would be satisfactory.<sup>105</sup> But all who knew anything about these matters, must know that that was utterly impossible<sup>106</sup> without appointing at least another common law judge.<sup>107</sup> It was but two years ago since the Court of Exchequer in England possessed both the Equity and Common Law power,<sup>108</sup> but that change did not work well, and<sup>109</sup> it was altered at the instance of the best men in England, Conservative and Liberal agreed that it would be better to abolish the Equity jurisdiction of the court. As to speedy justice, he did not see why a suit might not be as quickly decided in a purely Equity Court, as in a united one of equity and common law. As to the expense of the country, any one who knew the quantity of business remaining over at every assize, must be satisfied that one more judge, at least, would be required in the commons court if an equity jurisdiction was given them. He was decidedly of opinion that one judge would be quite as efficient as an equity court<sup>110</sup>. So far as the Court of Appeals was concerned, he could see no necessity for the two additional judges.<sup>111</sup> Before the reform of the cours (sic), the Appeal lay to five judges, most of whom must have decided on the case before it came before them, or to the Governor in Council, where they got the decision of the law officers of the Crown, who, perhaps, however, had been engaged on one side or the other, and would not be in a position to decide; that was altered by the bill of last session, but he thought that the new Court of Appeal would be as efficient if it continued, with the six judges of the Queen's Bench and the Common Pleas, one Chancery judge, as if it contained three. The reason for the appointing of three judges was, he believed, the ministry did not wish to dismiss the formerly single judge of the court.<sup>112</sup> He thought the country would not be satisfied with the changes made in the Court of Chancery notwithstanding the new rules.<sup>113</sup> The hon. member from the Second Riding of York, had referred to the surplus in the fee-fund of the new courts. He would like to know, whether in the reforms in the court, these fees had been cut down as well as the fees of the Solicitors, if not, a still further reform might be effected.<sup>114</sup> It was said the law costs went into the pockets of the Lawyers, but the greater part of them went into the Provincial chest; he would cut down the salaries of the Judges, and if the Lawyers fees were to be cut down, the fees going into the Provincial Chest should likewise be cut down<sup>115</sup>. A great many cases, in which the Court of Chancery used to have exclusive jurisdiction had been removed from it, and many other cases could be removed, and if the fees of the fee-fund were properly cut down, and the Court placed on that footing, the voices that had been raised against it would cease. If the fund could support three judges it could support one, and that was sufficient to do the business.<sup>116</sup> There has been a great deal of injustice done by this Court of Chancery, he would admit, but it might be put on better footing, and in a position that would be satisfactory to the country at large; he knew proceedings had taken place in that court<sup>117</sup> within a very short time, which we cannot help feeling ought not to have been brought in that Court. He referred to certain decrees in Chancery, that had been reversed, in opposition to the opinion of the new Vice Chancellor by the other Vice Chancellor changing his opinion and agreeing with the Chancellor.<sup>118</sup> In the Court of Chancery in England the Chancellor and Vice Chancellor sit, each in his own capacity, their duties being distinct.<sup>119</sup> He considered this a reason for making complaints against the Court, and the country would not be satisfied till the pruning knife was applied.<sup>120</sup>

MR. AT. GEN. BALDWIN was glad to see his hon. friend, who had just taken his seat, treat the subject with such a spirit of candour and without party considerations or party feelings<sup>121</sup>. ((He)) had expressed himself in a manner consonant with the sentiments he entertained, that it became necessary to curtail the remarks he



intended to make. One remark in particular he had made, which Mr. B. said had his hearty concurrence; and it was, that the question which then engaged the attention of the house should be discussed in a spirit of candour, it was a course he himself had always pursued--to decide without reference to party politics; and this was the more necessary as to subjects affecting the judicature, which should not be made those of party triumph, but should be considered with reference to the country at large<sup>122</sup>. When he was in the opposition, he had pressed them to take up the Judiciary system of Upper Canada; but they had not, for fear it would be said they were making places for themselves.<sup>123</sup> Referring to Mr. Blake, he thought him above all the mercenary motives that had been imputed to him.<sup>124</sup> There were frequently allusions made to public men, whose conduct in introducing alterations and improvements, it was too common to attribute to a desire to promote their own pecuniary advantage; it was a miserable habit, and had a tendency not only to degrade public men in the eyes of the country, but to debauch the public mind. Men of such a description were not fit for any office whatever.<sup>125</sup> He had frequently urged on the former administration, the necessity of amending the system, and making it adequate to the increased business of the country.... They were styled political jobbers, he did not like the term.<sup>126</sup> Unless the debate therefore were entered upon by the leading minds of the house in a becoming spirit, the effect would be to injure the morals of the country. Before the union of the two provinces, he had, he said, looked forward to the arrival of a time when it would be deemed expedient to unite the two courts of law and equity. He differed from his learned friend as to referring decisions in equity to one judge; that, however, was his opinion for some time; but he now doubted whether these should be confided to a single mind. So far were the views he now entertained from being shaken, they were rather strengthened by what is taking place in the Mother Country; as even in England the opinion prevails very extensively, in favour of a plurality of Judges in the Court of Equity. That was the opinion of Mr. Tredwell who had written ably upon the subject, and this had relieved his mind as to the correctness of the conclusion at which he had arrived, when last year he agreed to make the experiment here.<sup>127</sup> He had consented to have three judges in Chancery with a view of getting an efficient Court of Appeal. In that matter he deferred to the opinion of the Present Chancellor whom he regarded, as the best qualified man in the country, for the office he holds.<sup>128</sup> As to the construction of the Court of Appeal, there could be no object to the law judges being members, as it was important to bring such minds to the consideration of subjects that were referred to it; and it was equally important that the public should have every confidence in its decisions. He was satisfied that members of the legal profession had suffered injustice from the opinion which was very generally entertained, that a Judge who had already given a decision, was not open to conviction, and would not be willing to acknowledge that he had previously taken a wrong view of the subject. Now, if to the investigations of the Court of Appeals, fresh minds were brought to bear, this would not only add uniformity to the proceedings, but would give to its decisions that weight and stability of so much importance in questions, affecting not only property but civil rights. This was doubly important when reference was had to the expense attending<sup>129</sup> a final appeal, which lay to Her Majesty and the Privy Council, and which was very expensive and occasioned long delay<sup>130</sup>, ((and)) which would never be resorted to except where a large amount of property was involved, or there existed a want of confidence in the decisions of the Court of Appeals. As respected the alteration in the structure of the common law courts, the only additional expense that had been incurred was the appointment of an additional Judge; and at present instead of one court with five judges, there were now two courts with three Judges in each. The difference, therefore, was merely the appointment of an additional judge and the giving a corresponding jurisdiction to two courts<sup>131</sup>. It had been so completely answered by the member for Cornwall, that it was scarcely necessary for him to go into it. That system had been tried in Pennsylvania and<sup>132</sup> New York; and it had been found that so far from the giving to them an equitable jurisdiction reducing the expense and saving time, it had in-



creased both; and consequently no saving had been effected whatever.<sup>133</sup> In regard to the new rules,<sup>134</sup> he had ((it)) from the Chancellor himself,<sup>135</sup> that the reduction of expense in this Province in consequence of the abolishing an immense mass of forms had been four-fifths, and the Judges of the Court of Chancery had not yet terminated their labours, as they were still engaged in effecting other improvements; and before they concluded, hoped to establish courts by which evidence ((was taken)) on the spot--and as had been observed bringing justice to every man's door.<sup>136</sup> He would be prepared to come down to Parliament in a few days with a bill from them, providing that they should hold circuits, but<sup>137</sup> the contemplated alterations could not take place at once, and reforms could not spring forth, like Minerva armed cap-a-pied; and the Judges of the Court of Equity should be allowed time to introduce improvement in the practice of their courts. But while those improvements were taking place, an outcry had been raised that the Court of Chancery should be abolished; this would not alter the rights of parties, or render less necessary (sic) professional aid to vindicate them; and the more the judiciary of the country was amended the more would the expenses attending litigation be increased, as it would become the more necessary to call forth the energies of the ablest minds.<sup>138</sup> Why not give it time, and see the amendments to be proposed, before you cry out for its abolition.<sup>139</sup> If this Court were abolished, it would not alter the nature of the rights to be decided, would not prevent parties seeking the best advice, and would not prevent the best talent securing the best remuneration. The only way that the Court could be abolished, is to abolish both law and equity proceedings and consolidate them into one as had been done in the state of New York.<sup>140</sup> As to abolishing the Court of Chancery in the State of New York, it had not afforded the satisfaction there which had been anticipated, as would be seen from an article which he would read to the House, condemning the merging of the Court of Equity in those of the Common Law; and which went to prove that extensive changes could not be affected without a corresponding inconvenience.<sup>141</sup> He then read the New York Herald, to show that all proceedings in that State were beginning to partake of a Chancery character, and that the dreaded one man power was being restored.<sup>142</sup> Mr. B. then defended the recent appointments.<sup>143</sup> He thought the administration deserved great credit for the appointments they had made; where was the jobbing about it?<sup>144</sup> He said that with respect to the Chancellor, if the profession throughout the Province were polled, none would be found to dispute his qualification for the office, unless it were upon grounds of personal hostility; and as to the two Vice-Chancellors, one of whom at all events was no particular friend of the Government<sup>145</sup>, he would not be sure, but he would have been on the other side.<sup>146</sup> They were equally capable of filling the situation to which they had been appointed.<sup>147</sup> Then again in regard to the Chief Justice of the Common Pleas--where could they find one more suitable? and he was sure he was not a political friend; no one could find fault with that appointment; that was one which did them credit; and the other Judge although not of such ability as the other Judges, still, it was a good appointment, and he also was not a particular friend; it would be to stultify the acts of the administration, to abolish that Court without having first given it a fair trial.<sup>148</sup> His learned friend had alluded to the salaries of the Judges of the Court of Chancery; but he (Mr. B.)<sup>149</sup> could see no reason why the salaries of the Chancery Judges, who were to form part of the Court of Appeal, should not be the same as those of the other<sup>150</sup> Common Law Judges, as it was desirable to obtain persons of equal character and weight to preside in both tribunals. If the salaries are considered too high, let them be reduced, but both should be placed on the same footing, as the amount of property decided upon in both Courts was great, and the intricacy attending their proceedings was equal. The hon. gentleman said he had dwelt longer upon this branch of the subject than perhaps he should have done; but the attack on the Government had been so direct that he felt bound to repel it. Not only had the course which the Government had pursued been formerly supported in the House, but also by the opposition press<sup>151</sup>. The press that usually supported his party while in opposition attacked the Ministry for these changes. A paper in this city recommended the principle of this

very measure in 1846, but now condemned the changes as a job. The hon. gentleman then read an extract from an editorial--(the one lately republished by us)--of the Examiner, to show how the question had been pressed upon the Government to which the liberal party were then in opposition. He had nothing to do with that article, for he had at that time been of opinion that one Judge in Chancery would be sufficient. The principle of the measure<sup>152</sup>, which he had fully explained in a letter to his constituents asking their support<sup>153</sup>, having been thus sustained by the liberal press, while in opposition, as well as the leading politicians of that party, what could the Government do but what they had done? He appealed to hon. gentlemen opposite, whether it was<sup>154</sup> fair or honorable, after years had been spent in the endeavour to place the Court of Chancery on a satisfactory footing, that the alterations that had been effected were called a mere job,<sup>155</sup> and ... to impute to the members of Government improper motives, with reference to the entire proceeding<sup>156</sup>, when it was admitted on all sides that the gentlemen who had been appointed to preside were in every respect fitted and qualified?<sup>157</sup> Let hon. members look at the appointments which had been made in the Court of Chancery, and then blush at the insinuations they had uttered.<sup>158</sup> And was it consistent with due regard to the public interests to make the requisite improvements one Session, and destroy the whole the next? It was desirable that the country should advance in the march of improvement, but the measures that ought to be adopted should have that tendency rather than in a retrograde direction, and unless the House gave full opportunity for satisfactorily ascertaining the effect of any measure the country would not advance at all. He did not believe, however, that any considerable portion of the House would give their sanction to the destruction of the plans of last year, before they were fairly in operation, or the country aware what would be the effect of the contemplated alteration.<sup>159</sup> The hon. gentleman continued at some length, and concluded by hoping that his hon. friend would withdraw his amendment.<sup>160</sup>

MR. BADGLEY followed, but in so indistinct a tone as scarcely to be heard. We, however, understood him to say, better appointments could not have been made,<sup>161</sup> than had taken place; it was not possible they could be better<sup>162</sup>, on ne pouvait trouver de personnes plus compétentes.<sup>163</sup> He was in favor of but one Judge in the Court of Chancery; he did not agree with the latter part of the amendment.<sup>164</sup> ((He)) could see no reason why there should be a separate Court to have a separate jurisdiction.--He could not understand why the number of Law Judges should not be increased, and the Equity and Common Law Courts merged. He considered that cases of both classes could be equally well decided by either an Equity or Common Law Judge, as both were well versed in the matter.<sup>165</sup> He had not altered the opinion which he had always entertained, that there should not be one Court for one description of causes and another for the other. If an equity jurisdiction could be given to the Courts of Common Law, for which it was admitted the judges were well qualified, he did not see why there should be a Court of Chancery.<sup>166</sup> He then went on to show the simplicity and convenience of the system in Lower Canada, where no Court of Chancery exists.<sup>167</sup> As to the proceedings in equity there was no difficulty; the principles by which they were determined being as well understood as are those of the Common Law Courts; and he was satisfied the rights of parties could be as well secured by the decision of the judges who presided there, as in the Court of Chancery. The difficulty would be in getting causes before those courts; but when once there, they could be as ably adjudicated upon in one court as the other.<sup>168</sup> He could not affirm that the Court had failed as a Court of Equity.<sup>169</sup> With reference to the Court of Chancery, objections may exist as to the expensive nature of its proceedings; but that did not prove that it was not all that could reasonably be expected.<sup>170</sup>

COL. PRINCE had no objections to alter it to suit the views of the honorable gentleman who had just sat down.<sup>171</sup>

MR. H. SMITH (Frontenac) would move if any one would second it, that the words



"it having failed in the purposes for which it was originally erected; and that equitable jurisdiction should be extended to the Superior and inferior Courts of Common Law in Upper Canada," be expunged, so as to meet the views of the honorable gentleman.<sup>172</sup>

(18)

*Mr. Smith of Frontenac moved in amendment to the said proposed Amendment, seconded by the Honorable Mr. Boulton, That the words "it having failed in the purposes for which it was originally erected" be left out;*

MR. H. BOULTON entirely concurred in the opinion of the gentleman from Lower Canada who spoke last.<sup>173</sup> The voice of the population of the Province, is decidedly opposed to the present system, and some pains should be taken by the Legislature, to conform to the views that were entertained upon the subject. He thought the plan which was proposed, could be adopted with benefit to the country; and that the courts of equity and law might be consolidated with much advantage to the public, as the judges in the courts of common law are quite capable of giving judgement (sic) in equity; the same might be said of judges in equity, with reference to common law. But he would assume that they were not capable; why then call them up to the Court of Appeals, to decide upon causes that had already been determined by an Equity Judge?<sup>174</sup> It would be like appealing from a watchmaker to a blacksmith.-- But he would lay it down as a principle,<sup>175</sup> boldly, that no man could be a good Chancellor who was not a good common lawyer<sup>176</sup>; it was impossible<sup>177</sup>. All that was requisite, in addition to the common law practice, was a knowledge of right and wrong; and the principles of equity were as well known and as easily determined, as were those of the common law. He would therefore, say, that a judge who was acquainted with one or the other, was a fit and proper person to determine with reference to both, and if that were not the case, judges of the common law courts ought not to be members of a court of appeal. As to the remark of the hon. member of government, that by undoing in one Session, that which they had done during a preceding one, the House would stultify itself; he would say that it would have been happy for the country, if that had not been done oftener than once. He should only refer to a bill, which had not been acted upon, and which was one of the deepest interest; he meant the common School Bill. Last year it had been introduced by the Administration, but with the advice of the members of government, it had never been carried into effect; and a bill had been circulated throughout the Province, the object of which was the repealing it.<sup>178</sup> The Government had not put it into operation, for they knew better<sup>179</sup>; ((it)) had been sent round the country to learn the opinions of the people upon it.<sup>180</sup> He did not mean to reproach the members of government on this occasion as it was honourable to confess an error; but he only alluded to the subject, in reply to the word stultify, which had just been applied to a proposal to pursue a similar course with reference to the Court of Chancery.<sup>181</sup> (Hear, hear.)<sup>182</sup> The question to be determined, the hon. gentleman said, was not as to the talents or ability of the Chancellor; but whether the system could not be improved, and the expenses reduced; it had been observed by one of the Lord Chancellors of England, that this country, in establishing its system of jurisprudence, had the finest opportunity of getting rid of the elaborate machinery which encumbers the Court of Chancery in the mother country. The inconveniences attending which in this Province, are not to be got rid of by any set of rules that judges may adopt.<sup>183</sup> That was impossible.<sup>184</sup> It wanted thorough remodelling.<sup>185</sup> There were rules inherent in a Chancery Court that rendered it impossible that in a country like this, justice could be rendered in them as well as could be done otherwise.<sup>186</sup> The hon. gentleman said, he agreed with the Attorney General, that this should not be made a party question,<sup>187</sup> far from that,<sup>188</sup> and hoped the propositions of members, would be met in a proper manner, and that the best decision would be brought to bear upon the<sup>189</sup> promotion of sound reform in a proper manner.<sup>190</sup> The public were alarmed at the enormous expense of the Chancery Court, and which could not be borne in a new coun-



try like this. He said he was opposed to the amendment that had been made.<sup>191</sup> When he was in a position to adopt a certain course, he had proposed amendments to the Court of Chancery, but they were wedded to the old system, and he did not blame them because they stuck to it with such pertinacity.<sup>192</sup> But such persons were not the fittest in the world for devising remedies. Allusion had been made to the courts of the United States, the proceedings of which, had been favourably commented upon in England, and the decision of whose judges, had met with the highest encomiums there. The hon. gentleman concluded with a description of the practice of the Court of Chancery<sup>193</sup>. ((He)) here cited<sup>194</sup> at great length the case of Mr. \_\_\_\_\_ of Whitby, who purchased a Reserve for £29 of Mr. Ennis, and afterwards a Chancery Suit was got up in regard to it<sup>195</sup>, a cause which had commenced in an action of ejectment<sup>196</sup>. He described the various and almost endless proceedings,<sup>197</sup> the defendant had filed a bill, and the plaintiff (sic) to the ejectment had been advised to file a cross bill; there were, consequently two cross bills and two answers; they were afterwards advised to leave it to arbitration; one party, not content with the award, went to his lawyer, who told him the award could be set aside, which was done; the whole sum in dispute was only £29. It has cost<sup>198</sup> these two poor men<sup>199</sup> somewhere between £400 and £500, which might just as well have been settled for £5 or £6.<sup>200</sup> He could mention fifty other such cases, the whole of which could be much better settled in a Law Court and at far less cost. The fee fund was a tax upon a class of suitors, while it ought to fall on the community.<sup>201</sup>

MR. M. CAMERON (Kent) hoped the mover of the amendment would withdraw it for the present; not that he was opposed to it, but he thought this was taking up the time of the House with a subject that could be more efficiently dealt with another time.<sup>202</sup> The present was no doubt, a very inconvenient time for bringing this amendment, but it necessarily followed from the rather irregular manner in which the Chancery Court was mentioned in the speech. An irregularity which was rendered still more apparent, as no explanation had been given respecting it; nor did it even appear that the new rules, of which they heard so much, were the work of the Administration.<sup>203</sup> He was in favor of abolishing the Court of Chancery<sup>204</sup>. Hon. members would no doubt, remember, that the Bill, establishing the Court of Chancery, was passed by a large majority in the Upper Canada Parliament, in the year 1837, but not without a great deal of discussion, and a vast number of amendments had been moved; among the number was one to the effect, that, the Solicitor who had charge of the suit, should in no case obtain more than half the estate in dispute, in payment of their fees. (Hear, hear.) At the time, that amendment was thought to be very absurd, and was withdrawn--but experience has since shown, that it was in reality a very necessary amendment, and ought to have formed part of the Bill, for it frequently happens that, instead of half, they will be content with nothing less than the whole estate. He had stated that the Bill had been passed by a large majority, but there was nevertheless, a very general feeling of doubt and hesitation, and he believed that it would not have been passed if it had not been for an amendment introduced by the hon. member for Essex,<sup>205</sup> who now proposes this amendment<sup>206</sup>, who took at that time a warm interest in the Bill, and allayed in a great measure the apprehensions of hon. members, by assuring them that here, where the machinery was perfectly new, they had no reason to anticipate the annoyances or vexatious delays, which made the English Court of Chancery odious. But he succeeded still better by proposing a tariff of costs, which was completely satisfactory, as it limited the amount of costs in any case to £13 17s. 6d.<sup>207</sup>, which being a moderate amount induced many to vote for it.<sup>208</sup> That was in 1837, but since that time there were great changes, and he was satisfied that better times were coming; for he was one of those who believed in progressive improvement and the approach of the millenium. (Hear, hear.) And one of the signs of the times was, that the lawyers, who at the passing of that bill, were, with one exception,<sup>209</sup> Dr. Rolph,<sup>210</sup> banded together in its support, are now disagreeing among themselves. They had at all events no reason to complain that it had not had a fair trial, as it had been fourteen years in operation.<sup>211</sup> He had voted for every clause with the exception of one; which he

read from the Journals of the house; it was ... moved by Mr. Gibson, and seconded by Mr. McIntosh, by way of a rider; he did not vote for it, because he thought it absurd, it provided that no lawyer should receive more than one half of the property, but he believed many had received the whole.<sup>212</sup> With respect to the Act of last Session, he would merely say, that although he was then a member of the Administration, he had strenuously opposed it, not however, without incurring the reproaches that a shoemaker should not be above his last--and it was dropped for the time, with the understanding that it would not be resumed; however, as it had been passed, and as it appeared that some alterations had been made in the Chancery practice, he thought it would be much better if the amendment were withdrawn for the present, and opportunity given to test the working of the Court under the changes that had been introduced.<sup>213</sup> He thought the court of appeals necessary.<sup>214</sup>

COL. GUGY explained the manner in which Equity cases were decided in Lower Canada, and was of opinion that that system, whether as regarded cost or time, would compare favourably with the practice of the U.C. Court of Chancery.<sup>215</sup> ((He)) referred to the case mentioned by the member for Norfolk. Had a similar proceeding been commenced in Lower Canada, where no distinction is made between law and equity proceedings it would have been disposed of in the simplest manner, in a very short time, and at a very small cost, and settled for ever.<sup>216</sup> He was free to admit that, personally, he knew nothing of the practice of that Court, but he had made himself thoroughly acquainted with public opinion, and he was bound to say, that, with the exception of these persons who were directly interested, there was but one opinion abroad, and that a very unfavourable one, respecting its most vexatious delays and ruinous expenses. That being the case, he thought it was the duty of that House to give way to public opinion. At the same time he wished it to be distinctly understood that he did not mean in any way to throw out insinuations against the gentleman who now filled the high and important office of Chancellor. He had met that gentleman on the floor of that House--had conceived the highest opinion of him as to his personal integrity, and had no doubt that, if he were gifted with that happy spirit of gravity and moderation which was so necessary in his high situation, he was in every other respect well qualified for it.<sup>217</sup>

MR. COM. CR. LANDS PRICE, said it was not his intention of speaking on this question, but the extraordinary conduct of some of the legal members of the House impelled him to alter his determination. This identical Chancery bill which was now the subject of debate, was last session supported by the lawyers in that House,<sup>218</sup> qui ont eux-mêmes provoqué, demandé, préparé et passé cette mesure<sup>219</sup>, and now they wished<sup>220</sup> without a moment's warning ((to)) turn round and unite themselves together for the purpose of sweeping it off the statute-book, without giving it even the semblance of a fair trial<sup>221</sup>, and thus without being prepared with any other measure as a substitute, throw the country into confusion.<sup>222</sup> But his astonishment was principally excited by the course taken by the hon. member for Norfolk, who, during the last session of Parliament, not only spoke in favour of that Bill but even voted for it.<sup>223</sup> He never had any altercation with any man but at the same time he held that the conduct of public men was a legitimate subject for investigation; and he should therefore, whenever an opportunity offered, take occasion to canvass the conduct of the Hon. member for Norfolk, and contrast his present position with his past political career; he should do this, however, without resorting to personalities.<sup>224</sup> Who was Attorney-General for U. Canada when the original Chancery Bill was introduced? Where was that Hon. Gentleman's patriotism or his disinterested regard for suitors then? Or what prevented the Hon. Gentleman, in the plenitude of his power, from stopping the course of that Chancery Bill and conferring its powers on the Common Law Courts? But the fact was the Hon. Gentleman well knew ... at that time,<sup>225</sup> how much the country needed some such law,<sup>226</sup> there were hundreds of cases of the most vexatious character<sup>227</sup>, thousands of people ... defrauded of their rights<sup>228</sup>, that could not be determined by the Common Law Courts and that<sup>229</sup> bonds were then quite commonly given for deeds, and this practice led to the great-



est difficulties<sup>230</sup>, and yet he took no steps to remedy this disastrous defect.<sup>231</sup> It had become absolutely necessary to create another Court with increased powers, in order to afford redress to aggrieved parties. The Hon. Gentleman was well aware of that at the time, but he had now got a new light, and, seeing that this was a popular question, he wished to rescind his vote of last session, and endeavour<sup>232</sup> with the stroke of his pen<sup>233</sup> to sweep the Act from the Statute-Book, although it had barely gone into operation, and had already cut off nine-tenths of the expenses<sup>234</sup>, and draw a better.... There was an outcry that fees were enormous--by the new rules proceedings had been so simplified that nine-tenths of the costs will be cut off; and yet without giving the country or themselves time to ascertain the working of the Court under the new Rules--to see whether it would not be a boon and a blessing--the identical Lawyers who supported the bill ... ((from)) its formation were now anxious to sweep the law off the statute book, and sweep out the Court.<sup>235</sup> He would ask that Hon. Gentleman if it would not be better, wiser, and more statesman-like to watch the operations of that Act, and ascertain if it would really effect the great things that had been<sup>236</sup> confidently<sup>237</sup> expected from it.<sup>238</sup> The hon. member for Norfolk objected to that bill because under it the litigate were taxed for the expenses, and wished these expenses to be saddled on the public; and the reason given was because the disbursements of fees to the Court by the lawyers made their bills appear enormous, when they were not so in reality. This was monstrous.<sup>239</sup> He ridiculed the idea<sup>240</sup>. He would put it to Hon. Gentlemen if it was fair or just to make this proposition now when the new Act had scarcely been acting for six months, merely because that Court had been mentioned in the Speech from the Throne? If, on the contrary, it had been in operation for three or four years,<sup>241</sup> if every thing had been tried to remedy what was complained of--and all had failed,<sup>242</sup> ((to effect)) those reforms which had been anticipated; if the waste of time and the enormous costs were still kept up; if, in short, the country derived no benefit from it,<sup>243</sup> then the time would have arrived to sweep it away, and he would be amongst the first to vote for it. But he did ask hon. members who nine months since voted for the bill, to let that bill have a fair trial. Such a course of conduct in honourable members would be trifling with the Legislature and with laws. The Court was in its infancy--it might prove a blessing to the country, and ought not thus recklessly to be swept away.<sup>244</sup>

MR. MEYERS addressed the House, but was quite inaudible.<sup>245</sup>

MR. W. BOULTON said there could be no doubt that a very strong feeling existed in the country against the Chancery Court, but he was not prepared, without further trial and further enquiry, at once to abolish it;<sup>246</sup> it was not very extraordinary that there should be so many contradictory reports with respect to these new rules in the Court of Chancery,<sup>247</sup> and he blamed Ministers for not being prepared to explain in what way the new rules would lessen the costs of practice in the Court<sup>248</sup>. The consequence was, that one hon. gentleman stated that the expenses would be cut down nine-tenths, while<sup>249</sup> the hon. member for Essex (Col. Prince) had stated on the authority of a Chancery Barrister, that<sup>250</sup> a lawyer practising in that Court had gained an increase of 20 or 30 per cent on his costs since they were introduced. With reference to the amendment immediately before the house, he would only say that he did not feel disposed to vote for the repeal of an act passed last session, and before it had been fairly tested.<sup>251</sup>

Amidst general cries of question, MR. H. BOULTON (Norfolk) rose, and as well as we could distinguish charged Mr. Price with a desire to excite a personal altercation between them.<sup>252</sup>

MR. COM. CR. LANDS PRICE repelled the charge. During the long space of time that he had a seat in that house, he never had, or desired to have a personal altercation with any one. Could the hon. member for Norfolk say as much?<sup>253</sup>

MR. MALLOCH said, that he seldom trespassed upon the time, and attention of the House, but on the present occasion he felt ((it)) imperative upon him to record his



decided disapprobation of the Chancery Bill in question. He (Mr. M.) had<sup>254</sup> given two votes, and very important votes, fourteen years ago,<sup>255</sup> both of which votes he now sincerely deplored. The first of these votes had been given in favor of the Bill constituting the Court of Chancery,<sup>256</sup> a Court which the whole country now desires to see abolished;<sup>257</sup> if he ever regretted a vote in his life, it was that.<sup>258</sup> He honestly told the Ministry that the people of Upper Canada, as a body, were opposed to it<sup>259</sup>, and ((called us)) to have it abolished.<sup>260</sup> Lawyers might palliate it, but the country at large demanded its immediate abolition. He had given a second vote in favor of<sup>261</sup> the Union Act,<sup>262</sup> the marriage contract between<sup>263</sup> Upper and Lower Canada. That vote he regretted<sup>264</sup> most heartily, (cheers)<sup>265</sup>, more than any other he gave in his life<sup>266</sup>, ((and)) which led to the Lower Canadians dictating to and domineering over the Upper Canadians, so that no measure for the good of Upper Canada could be passed if it happened to be distasteful to Lower Canada. This was peculiarly the case with this measure, if the Chancery Court which, if it were perpetuated, it would be so carried against the feelings of U.C., and would be carried by Lower Canadians against the wishes of Upper Canadians.<sup>267</sup>

Cries of "No," "No," from the ministerial benches.<sup>268</sup>

MR. MALLOCH continued: He repeated that the public desired that that Court should be broken up, and its powers conferred on some other Court; but at the same time<sup>269</sup>, however much he deprecated the existence of the Court of Chancery, he must conscientiously declare that it was his impression, that the country at large approved of the appointment of Mr. Chancellor Blake. He believed that the country could repose unbounded confidence<sup>270</sup> in him individually, on account of the high estimate formed of his moral worth and integrity of character.<sup>271</sup> He concluded by protesting against the maintenance of this court.<sup>272</sup>

MR. HOPKINS did hope that on questions which regarded Western Canada alone, Eastern members would allow Western members to settle them as much as possible according to their well-expressed wishes.<sup>273</sup> This question peculiarly demanded the assent of the people of this Province. He was perfectly aware that no less than nineteen twentieths of the inhabitants of Upper Canada were decidedly opposed to the present Court of Chancery<sup>274</sup>, ((and)) were desirous of seeing the Court of Chancery remodelled in such a way as to cut down its enormous expenses. But the fact was, that<sup>275</sup> legislation was bad, because there were too many lawyers in the House, and too few men connected with the commercial and agricultural interest.<sup>276</sup> The majority of the house was composed of lawyers, and they took good care that they should not lose anything by them.<sup>277</sup> He remembered the caution which Governor Simcoe put forth against the admission of lawyers into Parliament.<sup>278</sup> Years ago the wise Governor ... said<sup>279</sup> that if they wished to maintain peace and good order, they must keep the lawyers out of the house,<sup>280</sup> so long as lawyers legislated for themselves so long would the country have bad and expensive laws. The lawyers would do well, but the country would do ill.<sup>281</sup> He believed that the advice was good, for they seemed to forget the public interests altogether, in their desire to strengthen and establish their own close interests.<sup>282</sup> He thought that the agricultural interests of the Province were paramount to every other, but so long as the legal profession was allowed to muster so strong in the House, little chance was afforded for the proper presentation of the farming population. If there were few lawyers in Parliament, there would also be fewer defective law courts and judicature bills. He would consequently support the amendment<sup>283</sup>, and hoped it would be carried.<sup>284</sup>

MR. LYON said, the business of the Court of Chancery might be very well transferred to the other superior courts the business in which would be materially diminished, by the extended powers, that it appeared were to be granted to the inferior courts. With respect to the appointment of three Judges in that Court for the purpose of performing the duties which one person performed for fourteen years, the reasons for doing so were no doubt best known to the Government, but he could not see the slightest occasion for it, or for the services of two of the Judges, who

might be much better employed elsewhere. For the court was in reality ruled by one man, as much now as when there had been only one Judge on the bench, instead of three.<sup>285</sup>

(18)

And the Question being put, That those words be left out of the said proposed Amendment:--It was resolved in the Affirmative.

And the Question being put on the said proposed Amendment, so amended; the House divided: and the names being called for, they were taken down, as follow:--

YEAS.

Messieurs Badley, Boulton of NORFOLK, Christie, Gugy, Hopkins, Johnson, Lyon, Malloch, McConnell, McLean, Meyers, Papineau, Prince, Sanborn, Seymour, Smith of FRONTENAC, and Stevenson.--(17.)

NAYS.

Messieurs Armstrong, Attorney General Baldwin, Bell, Boulton of TORONTO, Bouthillier, Cameron of CORNWALL, Cartier, Cauchon, Chabot, Davignon, DeWitt, Solicitor General Drummond, Duchesnay, Dumas, Fergusson, Flint, Fortier, Fournier, Guillet, Hincks, Jobin, Lacoste, Attorney General LaFontaine, LaTerrière, Laurin, Lemieux, McFarland, Merritt, Méthot, Mongenais, Morrison, Nelson, Notman, Polette, Price, Richards, Robinson, Ross, Sauvageau, Scott of TWO MOUNTAINS, Smith of DURHAM, Smith of WENTWORTH, Taché, Thompson, and Viger.--(45.)

So it passed in the Negative.

And the main Question being again proposed;

MR. INSP. GEN. HINCKS rose and said he had heard a great deal of "clap trap."<sup>286</sup>

Loud cries of order<sup>287</sup> venant de l'opposition.<sup>288</sup>

MR. INSP. GEN. HINCKS continued: Je suis parfaitement dans l'ordre, dit-il, et j'espère qu'on me permettra de faire une remarque.<sup>289</sup> Yes, he repeated the word<sup>290</sup>. An hon. member who had spoken only a short time before had indulged in a species of clap-trap.<sup>291</sup>

SIR A. MACNAB, "order."<sup>292</sup>

MR. INSP. GEN. HINCKS continued: Yes clap-trap, which was not unfrequently (sic) heard in that House about the votes of hon. members from Lower Canada being made use of to decide local questions adverse to the wishes of the Upper Canada members. He wanted to call the attention of that hon. member to the division that, had just taken place,<sup>293</sup> and could not conceive on what grounds the hon. gentleman opposite had based such a charge.<sup>294</sup> He wished to record the fact that the motion had been negatived by Upper Canada representatives.<sup>295</sup>

MR. MALLOCH--Yes. A majority tied to the Government.<sup>296</sup>

MR. H. SMITH (Frontenac) made some observations on the temper displayed by the hon. Inspector General, and said that if the hon. gentleman would allow the amendment he was about to propose to be carried, provided a majority of Upper Canadian members voted for it, he would allow him the benefit of his argument and excuse him for his exhibition of temper.<sup>297</sup> ((He)) moved another amendment, which he said did not involve the abolition of the Court in question, but merely proposed to modify the expenses of that court, which he considered wholly disproportionate to the resources of the country.<sup>298</sup>

(18)

Mr. Smith of Frontenac moved in amendment thereto, seconded by Mr. Seymour, "That all the words after "That" in the twelfth paragraph, to the end of the said paragraph, be left out, and the words, "the scale on which the Court of Chancery has been framed under the Act of last Session, and the consequent additional burthen imposed upon the Public Revenue for its maintenance, are wholly disproportioned to the resources of the Province, and the wants of its people," inserted instead thereof;



And the Question being put on the Amendment; the House divided: and the names being called for, they were taken down, as follow:--

YEAS.

Messieurs Badgley, Boulton of NORFOLK, Boulton of TORONTO, Cameron of CORNWALL, Christie, DeWitt, Gugy, Hopkins, Johnson, Malloch, McConnell, McLean, Meyers, Papineau, Prince, Robinson, Seymour, Smith of FRONTENAC, and Stevenson.--(19.)

NAYS.

Messieurs Armstrong, Attorney General Baldwin, Bouthillier, Cartier, Cauchon, Chabot, Davignon, Solicitor General Drummond, Duchesnay, Dumas, Fergusson, Fortier, Fournier, Fourquin, Guillet, Hincks, John, Lacoste, Attorney General LaFontaine, LaTerrière, Laurin, Lemieux, McFarland, Merritt, Méthot, Mongenais, Morrison, Nelson, Notman, Polette, Price, Richards, Ross, Sauvageau, Scott of TWO MOUNTAINS, Smith of DURHAM, Taché, Thompson, and Viger.--(39.)

So it passed in the Negative.

And the main Question being again proposed;

The Honorable Mr. Robinson moved in amendment thereto, seconded by Mr. Stevenson, That the Words "That the construction and keeping in repair of Gaols and Court Houses in Lower Canada should be provided for by local Assessment as in Upper Canada, and not, as heretofore, be made a charge on the Public Revenue," be inserted after the word "litigation" at the end of the thirteenth paragraph;

MR. AT. GEN. LAFONTAINE, thought the motion was premature. He desired to ask what courthouse or gaol throughout the lower Province since the union, had been erected at the expense of Government. True there had been an appropriation, but no expenditure had ever taken place, either for construction or repairs.<sup>299</sup>

MR. ROBINSON maintained that the provision contemplated by his motion should be made in case of an exigency arising.<sup>300</sup>

MR. AT. GEN. BALDWIN said the process adopted by hon. members opposite, of moving amendments of that extraordinary nature was entirely novel,<sup>301</sup> and inadmissible<sup>302</sup>, and such as would not be seen in any other part of the world. It seemed as though hon. members imagined, that any motion, no matter what, or how extravagant could be brought up, when considering the address in reply to the speech from the throne--attended as a matter of course with the usual waste of time and long debates. It was really a very singular idea, that hon. gentlemen appeared to entertain, that they could discuss all the business of the Session on the address.<sup>303</sup>

(18)

And the Question being put, That those words be there inserted; the House divided: and the names being called for, they were taken down, as follow:--

YEAS.

Messieurs Badgley, Boulton of NORFOLK, Boulton of TORONTO, Cameron of CORNWALL, Hopkins, Malloch, McConnell, Meyers, Prince, Robinson, Seymour, Smith of FRONTENAC, and Stevenson.--(13.)

NAYS.

Messieurs Armstrong, Attorney General Baldwin, Cameron of KENT, Cartier, Cauchon, Chabot, DeWitt, Solicitor General Drummond, Duchesnay, Dumas, Fergusson, Fournier, Fourquin, Gugy, Guillet, Hincks, Holmes, John, Lacoste, Attorney General LaFontaine, LaTerrière, Laurin, Lemieux, Merritt, Méthot, Mongenais, Morrison, Nelson, Papineau, Polette, Price, Richards, Ross, Sauvageau, Scott of TWO MOUNTAINS, Taché, and Viger.--(37.)

So it passed in the Negative.

And the main Question being again proposed;

The Honorable Mr. Boulton moved in amendment thereto, seconded by Mr. Hopkins, That all the words after "effecting" in the ninth paragraph, to the end of the said paragraph, be left out, and the words "a gradual encrease in the Parliamentary



*Representation of the Province according to population, and upon a more extended franchise, shall not fail to engage their attention, as well as the extension of the elective principle to the Legislative Council, which this House observes with great satisfaction has lately been recommended by Her Majesty's Government to the Imperial Parliament, while framing a new Constitution for one of the sister Colonies," added instead thereof;*

*And a Debate arising thereupon;*

MR. AT. GEN. BALDWIN objected to this amendment on the same grounds that he had urged against the last. That was not the time for discussing those details of the business of the Session. He did not mean however to say<sup>304</sup> that there might not be some such improvements as those comprehended in the hon. member's motion, pre-meditated by the Government<sup>305</sup>, in the elective franchise, although he was not prepared to go so far as Household Suffrage. With respect to an Elective Council, that was a proposition he was decidedly opposed to, and never would entertain.<sup>306</sup> He deemed the present a very inconvenient manner of procedure.<sup>307</sup>

MR. H. BOULTON moving his amendment to the clause relating to the increase of the representation, and declaring that it should be according to population and that the elective principle should be extended to the Legislative Council,<sup>308</sup> thought there was no use in discussing the amendment, as it would be voted down.<sup>309</sup> ((He)) regretted more than any thing else that no mention was made in the speech of a change in the constitution of the country,<sup>310</sup> ((and)) he had understood from the remarks of the hon. Attorney General West that no alteration of the constitution of this country was intended; at any rate, none such as that which Lord John Russell proposed to extend to the Sister Colonies. He would confine himself to the subject of an elective council. The time had come when the people of this country demanded change and improvement.<sup>311</sup> He was glad, however, that the question had to be discussed in a House where there were so many members from Lower Canada, who had heretofore supported the elective principle by recorded votes, as by the ninety-two resolutions<sup>312</sup>, and this was the last time that he would be prepared to see a Parliament of Upper Canada, throw out that question.<sup>313</sup> He contended that the elective principle was necessary for the security of the country.<sup>314</sup> Hon. gentlemen opposite seemed to think, while witnessing the tranquility (sic) which at present prevailed around, that no cause whatever of discontent existed.<sup>315</sup> Hon. gentlemen appeared to have forgotten everything that had occurred for the last twelve months, when the country was almost brought to the verge of a revolution.<sup>316</sup> That bill had alienated men from their allegiance, and driven some to desire independence and other annexation.<sup>317</sup> And the manner in which the infamous Rebellion Losses Bill--the debates on which he had no wish to revive--was passed last Session--had convinced the whole country, that there was a degree of<sup>318</sup> extraordinary power<sup>319</sup> lodged somewhere, with which it was not safe to entrust any set of men<sup>320</sup>, ((and)) upon which an elective council alone could exercise a wholesome control.<sup>321</sup> The result was that a cry had been raised that would never otherwise have been heard. For the eyes of the public had been opened and they perceived clearly, that if it was in the power of the present administration to fill the Council with men pledged to carry that Bill, or any others which they required to pass, it was equally in the power of their opponents, whenever they succeeded in turning them out of office, to act in the same high handed manner, if they found such a course necessary for their purpose. They understood clearly that the Council ought to be a perfectly independent body, and that it never could be so, as long as it was in the power of the dominant party in the lower House to pack it in such a manner as to carry out any particular views they had determined on. That was clearly understood, and the time had at last arrived when steps should be taken to prevent any particular body of men from retaining a power, which they could not exercise without danger. A striking case of that abuse of power occurred in the Legislature of South Carolina, in which the dominant party, which had had a majority of one, disfranchised the whole body of Roman Catholics in the State. In that case, power was exercised to the detriment of the great mass of the community, and in the case he had already cited in Canada, it was exercised in exactly the same

manner. He would admit that he had not given the question that due consideration which it required and which it had received from other hon. members, but he would ask the hon. Attorney General East, the author of the ninety-two resolutions, in which it was affirmed that Canada could not exist, except she had an Elective Council, to explain why she did not stand in as much need of it now?<sup>322</sup>

MR. AT. GEN. LAFONTAINE: did I say I was opposed to them?<sup>323</sup>

MR. H. BOULTON continued: And he would also expect the hon. member for St. Maurice, who had studied this subject deeply, would give the House his views on the subject.<sup>324</sup> He did not know that he would receive the support of members on either side of the House, in obtaining elective institutions; but he was not afraid to propose them<sup>325</sup>. For himself he could merely say, that he was convinced of the absolute necessity of elective institutions in Canada, and that they were better adapted to it than others that could be devised; (hear, hear,) for there was no country under the sun, in which, from the peculiarly agricultural character of its population<sup>326</sup>, eighty per cent were agriculturists<sup>327</sup>, democracy was more firmly established.<sup>328</sup> The people of Canada would soon have to decide the question of elective institutions now if not sooner, they would do it at the next general election.<sup>329</sup>

Hear, hear, from the ministerial benches.<sup>330</sup>

MR. MCCONNELL saw many gentlemen who had hitherto been favorable to elective institutions. At the time of the passing of the 92 resolutions he had not made up his mind; but the events of last session had convinced him that they were necessary<sup>331</sup>, but he would oppose that portion of the amendment which went to establish household suffrage.<sup>332</sup>

MR. AT. GEN. LAFONTAINE said he had no doubt that Mr. Boulton's advocacy of elective institutions would be eminently successful,--nor was he by any means prepared to say that he was opposed to them, nor that means could not be devised to bring them into harmonious working with our present system of Government; but he must confess that at present no definite plan presented itself to his mind.<sup>333</sup> The hon. member for Toronto had charged him with having repudiated his former sentiments. He denied it. But the hon. member had not explained how such a delicate principle as that implied by elective institutions was to work.<sup>334</sup> It was quite impossible to entertain that proposition in the abstract, as it would be necessary to take several other points in connection with it into consideration, which would necessarily effect a complete change in our system of government.<sup>335</sup> There were many questions which should be first decided or decided simultaneously with it.<sup>336</sup> He would put several questions to the hon. member for Toronto, but before he did so he would answer one which that hon. gentleman had put to him. He had asked how he, as one of the signers of the ninety-two resolutions, could be opposed to an elective Council. In the first place, he would answer that he could not say he was opposed to the principle, but he did not see how to put it in motion; and in the next place,<sup>337</sup> it was very true that an Elective Council was advocated in them, but Responsible Government was not at that time thought of, and the change in the form of Government had<sup>338</sup> changed in some respect the face of things and made some persons doubt whether the elective principle were desirable.<sup>339</sup> Of what materials would the hon. gentleman desire the Council to be composed? Did he desire that it should be elected by another class, and wish other qualifications than the House of Assembly? Did he intend to exclude Executive Councillors, as in the United States?<sup>340</sup> ((Was)) he ... prepared to assume the responsibility of it ...? The hon. gentleman would easily perceive that the consideration of that question would not merely involve the dissolution of the Council under its present form and its re-construction under another form, but it would also involve a number of other considerations for which they must be fully prepared. For his own part, he was not prepared to say that something might not be done at another time to render the Council more conservative in its character than at present, but he would repel any attempt to constitute such a Council here as has been established at the Cape of Good Hope--(hear, hear,)--which,



from the state of society, may be very well adapted to the wants of that Colony, but would be very unsuitable for Canada.<sup>341</sup> All these things have to be considered, not only before the question could be made the subject of a resolution of that House, but before it could be debated with profit either to themselves or the country. He thought it the height of absurdity for hon. members to come down to the House and propose to pledge the House to measures, when they were not prepared to say how those measures could be carried out.<sup>342</sup> The honble. member opposite had charged the Rebellion Losses Bill with having been the origin of the Annexation movement. It was a singular but an important fact, among all the reasons which the advocates for Annexation had adduced for supporting that movement, not one, save the hon. member for Toronto, had ever assigned it to the passing of that measure. The hon. member's proposal<sup>343</sup> had not been agitated since the union of the Colonies up to the present moment, and, as it would effect a complete organic change in the constitution, a good many gentlemen from Lower Canada were of opinion that it should not be acted on until the people had an opportunity of expressing their opinions at the polls. (Hear, hear.)<sup>344</sup> He hoped the hon. member for Toronto would take time to think over the subject, and endeavour to ascertain in what way the elective principle could be introduced with safety into the present constitution.<sup>345</sup> He hoped the hon. member ... would consider whether the present was the time at which this question could be brought forward most effectually. For his own part he thought it was not.<sup>346</sup> He was not prepared to propose these elective institutions now; but he thought they might be advantageously introduced.<sup>347</sup> Let it be generally known that the people desired it, and England will immediately grant it.<sup>348</sup> This reminded him of some remarks of the hon. member for Huron who doubted whether we in Canada were to have the full control of our affairs. It was now well ascertained that short of dismembering the empire, nothing would be refused, which the Legislature of the Province might ask.<sup>349</sup>

SIR A. MACNAB rose and said, that he did not intend to have occupied the time of the House, but he could not refrain from saying, that the serious changes referred to in the Governor-General's address, as having occurred during the last year, and the consequent alterations which have become necessary<sup>350</sup>, the cry for elective institutions<sup>351</sup>, were entirely attributable to the conduct of the ministry. In the Speech, the House had heard from the Throne at the opening of the last Session, an Amnesty Bill was recommended to their consideration,<sup>352</sup> ((and)) at the beginning of last session an amendment had been passed unanimously and generously<sup>353</sup>. But he would ask, had a measure for Indemnity been proposed? No! not a word was said of it. It was a singular spectacle to behold the very concocters of the Rebellion of 1837, proposing a Bill to indemnify themselves for loss sustained in consequence of that insurrection. That measure came with rather a bad grace from the very person (the hon. Attorney-General east,)<sup>354</sup> who, in the time of Lord Seaton, had been denounced as a rebel and a traitor<sup>355</sup>, for whose apprehension a warrant had been issued, and for whose head a reward had been offered.<sup>356</sup>

Never! never! from the ministerial benches.<sup>357</sup>

MR. AT. GEN. LAFONTAINE--Never!<sup>358</sup>

SIR A. MACNAB stated boldly in that House, that<sup>359</sup> un warrant n'a-t-il pas été émané contre cet hon. monsieur, avec une récompense de £500 pour son appréhension! et n'a-t-il pas fui de Montréal en Angleterre, et quand le warrant fut envoyé en Angleterre après lui, n'a-t-il pas fui en France aussitôt qu'il lui fut possible!<sup>360</sup> Dare he deny it?<sup>361</sup>

MR. AT. GEN. LAFONTAINE nie formellement l'exactitude des assertions de sir Allan McNab.<sup>362</sup>

DR. DAVIGNON appuya M. LaFontaine contre les avancés de sir Allan.<sup>363</sup>

SIR A. MACNAB.--Mes allégués sont vrais, si vrais que je défie l'hon. procureur-général Est de les nier.<sup>364</sup> Why did he not remain to carry out the Rebellion which



he had concocted and fomented? Because he had not the courage to do so. How was it, too, that no intimation whatever, had been given to the House of the intention of the Government to introduce that measure? It must have been previously considered in Council. No, rather than give the country a fair chance to know what was in embryo, the ministry relied upon their overwhelming majority, and determined to force that measure down the throats of Upper Canadian members. To show the very different position occupied, and sentiments held by the hon. members occupying the Treasury Benches, he (Sir Allan) would quote from the Vindicator newspaper, an account of meetings held by the hon. members (Morin, Papineau, and Lafontaine,) at Bellechasse, and elsewhere, as well as the resolutions passed by them, condemnatory of British rule, and inciting their countrymen to rise in arms against the Government. ... these same parties, after thereby repudiating the connection with Great Britain,<sup>365</sup> se sont approchés de Son Excellence, il n'y a que quelques mois, faisant profession d'un amour merveilleux pour les institutions du pays, lui conseillant de démettre de la commission de la paix nombre de magistrats hautement respectables et des officiers de milice, hommes qui<sup>366</sup> in obedience to the command of their Sovereign, and for the protection of this country,<sup>367</sup> en 1837, s'étaient mis sous les armes et avaient chassé l'hon. monsieur du pays qu'il avait agité, simplement parce qu'ils avaient signé de leurs noms un document xeposant (sic) leurs vues sur le changement opéré dans le pays.<sup>368</sup> He would likewise direct attention to certain resolutions set forth and signed by "Wolfred Nelson," (now the hon. member for Richelieu) enumerating the grievances of which his countrymen complained, as well as the opinion of the hon. Attorney-General east, on the subject of dismissals of Militia officers in 1837, not because they calmly discussed the propriety and desirableness of separation, but because they were actually taken with arms in their hands. Which of the hon. gentlemen opposite, who are now so excessively loyal and devoted to British Institutions, came forward to defend the country at that crisis? Not one of them.<sup>369</sup> Que fit chacun des quatre honorables Messieurs qui siègent vis-à-vis moi, quand la cité de Toronto fut attaquée par des rebelles armés, et quand le représentant de Sa Majesté appela les loyaux sujets à lui venir en aide pour défendre le pays et ses institutions? Où était l'hon. procureur général Est? En France. Où était l'hon. procureur général Ouest? Il prenait soin des ses livres et de ses papiers. Où était l'hon. Inspecteur général? Caché dans son hamac. Où était l'hon. Commissaire des Terres de la couronne? Il ne pouvait être trouvé nulle part.<sup>370</sup> Sir Francis Bond Head had offended them, and they therefore considered that their allegiance amounted merely to a dirty piece of paper. Yet these are the liberal men who now proscribe discussion, and condemn others for following in their own steps, though not to such extremes. They should use the powers vested in them very delicately, having in remembrance the position which they themselves had once occupied. They should bear in mind the probable influence which their own example may have exercised. It was necessary that a general amnesty should be proclaimed, in order that all their old friends might return. Still their object could never be achieved, until after they had provided tools in the Upper House to ensure that Bill becoming law.<sup>371</sup> He went on to describe the manner in which the Legislative Council had been packed, and the amnesty bill passed, previous to the introduction of the indemnity bill.<sup>372</sup> He (Sir Allan) would put it to the House, and to the country, was it just of the Governor to ask Parliament to grant that amnesty, while he knew that there was an ulterior design on the part of the Rebel rewarding ministry. In view of all these facts, how in the name of common sense could any honorable gentlemen support the proposition before them, for an elective council--it was upon this alone that the country could place dependence, on no other could they rely as a safe guard against the repetition of such unjust and unconstitutional conduct.

His Excellency had alluded in his speech to past occurrences, as the ground for removing the seat of Government from Montreal. What necessity or what reason was there for that change? (He asked that question, although<sup>373</sup> for himself he was very glad to see it again in Upper Canada<sup>374</sup>, he believed the Government never ought to have removed it from Upper Canada.)<sup>375</sup> And he was very sure that those who were now

most glad to have it here, would cry the loudest when it was removed to Quebec. What had the people of Montreal done to merit such treatment?<sup>376</sup> Was it because the majority of the people of Montreal were loyal?<sup>377</sup> They had defended their country in the hour of danger.<sup>378</sup> La population loyale de Montréal ... c'est la population la plus loyale de la province<sup>379</sup>.

Ecoutez, écoutez, venant de MR. INSP. GEN. HINCKS.<sup>380</sup>

SIR A. MACNAB continued: Was it because 7000 of their citizens signed a petition against the Rebellion Losses Bill? He believed that there were not more loyal men than were then signers of the Annexation Manifesto. (Hear, hear, and ironical cheers.) If called upon to defend Her Majesty's Crown, he would not disgrace them by a comparison with those on the other side of the House.<sup>381</sup> De quelle manière leur pétition a-t-elle été reçue? Ils furent informés, "qu'elle recevrait sa meilleure considération." Etait-ce là la réponse qui convenait à des hommes qui,<sup>382</sup> in the hour of need--when many of the honorable members of the opposition party were in open revolt against the crown--they had bravely bared their breasts to danger, but where were many of those then, whom he now saw sitting on the Treasury benches? It was not many years ago, when the Ministry drew up a report, in which they stated that neither Quebec nor Toronto was fit for the seat of Government, and when they, in very strong, plausible language, urged the eligibility of Montreal for that honor. They were in power, and their wish was granted, (although he had been opposed to it,) and that wish was entertained by them, because they fancied they would be there surrounded by their friends. But what was the cause of the removal from that city, which they had stated to have been, in every way, so suitable for the seat of government over every other place in Canada? It was because a mob drove them out of the city, and he thought that a government which was compelled to fly before a mob, was unfit to rule the country.<sup>383</sup> Having observed that Mr. Baldwin was asleep, Sir A. McNab remarked that that hon. gentleman was the happiest man in the country--talk of the lillies of the valley! He was the true lilly for he had got rich without any trouble of his own, but be being the nephew of Mr. Peter Russell--that Mr. Peter Russell whose time was well known to be the most corrupt in the history of Lower Canada--who drew as Secretary on himself as Treasurer and so on. Well there was an old saying that the receiver was as bad. (Laughter.)<sup>384</sup> He would make a few remarks on those disturbances. The late hon. Commissioner of the Public Works, Mr. Cameron, had attended the meeting which was held in the Champ de Mars, and had seen the great excitement which then prevailed; the ministry also were aware of that fact, but although they had 2000 troops, and two fine cavalry regiments at their command, they stood shivering between two stone walls, and made no effort to protect public property from the fury of the mob. They saw that their character was fast sinking in Upper Canada, they saw that they had lost the respect of the majority of that part of the Province, and they therefore took no steps to prevent the excitement which prevailed, so that they might regain their sympathies. He did not believe that the ministry would have cared had the mob burnt down the city, so that they might obtain sympathy from Upper Canada. During that time an address to the Governor General was got up by the other side of the House, to assure him that peace and order were restored; but its truth may be estimated from the fact, that its presenters were pelted on their way to the Government House, in such a manner as to be scarcely recognised on their arrival; and the Governor General was attacked by a shower of stones on entering the city to receive it, and his carriage was smashed to pieces in leaving.<sup>385</sup> Je suis bien certain que jamais une pierre lui aurait été lancée, s'il avait suivi une autre ligne de conduite.<sup>386</sup> His Excellency was so offended with such treatment, that he refused to enter Montreal again. He shut himself up at Monklands for three months, where he received condolence addresses, and stigmatised such as he (Sir Allan,) 'as the enemies of the liberties of the country.' There he remained in 'dignified neutrality,'<sup>387</sup> in a very quiet way--with two regiments of British soldiers about him--<sup>388</sup> instead of entering Montreal as he had been accustomed;<sup>389</sup> all the while describing people like himself (Sir A. McNab) as enemies to their country<sup>390</sup>, while the ministers hid themselves in the Government



house, under the protection of the troops. But notwithstanding the means of protection which the Governor General had, he had not courage to prorogue the House, although he received General Rowan's assurance that he would accompany him. The latter officer was, therefore, compelled to perform that duty, and in doing it he received three cheers from the people, as the new Governor General of Canada, because every one believed that His Excellency had resigned the reins of Government. As soon as His Excellency had received all the addresses,--which had been cooked up in committee rooms, and at church doors, and filled with fictitious names,--he suddenly started off one morning to Toronto, followed by the Attorney General East as executioner, by the hon. Inspector General as mourner, and the hon. Attorney General as a mute. (Laughter.) The soldiers who had guarded them were sent to St. Johns, and the two fine Provincial Troops were shortly after disbanded,--because they did not shoot the little boys who had hooted the Ministry in the streets--and were replaced by some who were called 'Fortin Dragoons,' and who had, he believed, signalled themselves by shooting an old cow at Laprairie, and by imprisoning a little boy at Montreal. (Laughter.) The removal of the Seat of Government was then determined on,<sup>391</sup> et finalement le gouvernement fut transporté en cette place où je suis content de le voir, vu sa proximité du lieu que j'habite.<sup>392</sup> And the Globe said--of which the hon. Inspector General was editor--(ironical cheers)--did the hon. Inspector General mean to say that he did not edit that paper? As he received no answer to that enquiry, he must construe his silence into an admission that he did fill that office. The Globe, said, the removal from Montreal would only cost about £1000, but when he entered the House at the commencement of the Session, he was perfectly astonished to find how much had been done for that sum. But he had since been told, on good authority, that it had cost £50,000, and he supposed it would cost £50,000 more in going to Quebec. He thought it advisable, as the ministry had become itinerants, that they should erect Government Buildings on board of some steam-boat, by which they would be able to move about in front of every man's door. He would now refer to that part of the speech in which His Excellency alluded to the loyalty of the people of this Province. That was a great paragraph; he believed the great mass of the people were loyal, and he hoped that that fact would not be forgotten. He did not know what the word "conjuncture" in that paragraph had reference to. He knew but one conjuncture, and that took place in 1837<sup>393</sup>, and '38, in which the hon. members opposite did not cut a very brilliant figure. He supposed the conjuncture, was when addresses were got up at church doors and in committee rooms on one side which were sent to England<sup>394</sup>. What became then of the petitions which were sent against the Rebellion Losses Bill? Were they sent home also? No, they were carefully kept here; and his Excellency assented to their bill, which went to pay rebels and traitors, although its reservation had been petitioned for by thousands of those who had defended the Crown in the hour of danger<sup>395</sup>, not got up by Judges and Vice-Chancellors<sup>396</sup>. What would be thought of a judge who could send one side of a question before a jury, and not the other? Why the finger of scorn would be pointed against him by every honest man. But similar dishonesty had been practised by the Government in that matter. They carefully sent home every condolence address, but they did not send a single petition which disapproved of their conduct, and prayed that the bill should be reserved for Her Majesty's consideration. The speech said, "that the people looked to Parliament for the redress of their grievances," but they might look then in vain.<sup>397</sup> The hon. Attorney General had been making constitutions since he was four feet high,--he had always been at it, when he was running about with Lyon McKenzie, visiting his friend David--the Reverend David, and eating buns, praying, reading and dancing with the virgins. How could the people however, notwithstanding all this constitution making, look to their own Parliament. Why, there were ten ministers out of a house of eighty-four, instead of some fifteen or twenty in a house of six hundred, as in England,<sup>398</sup> and the former need only get the support of a few members in addition to themselves and then they had a majority; they next packed the Legislative Council with an additional dozen of friends, and then the Hon. Attorney-General for Lower Canada became dictator.



As an example, he would mention that the Tariff Bills (sic), which occupied three weeks in discussion in this House last Session was sent up on the 25th of April to the Upper House; it went through the first reading without even taking off the tape in which it was rolled; the second reading was got through in a minute or two afterwards, by frequently skipping over half a dozen clauses; and the third reading was then immediately passed. On that same afternoon it received the assent of the Governor-General, together with the Indemnity Bill; but the House were kept in total ignorance that the latter measure was then to have received assent, although he had made every enquiry from the ministry. The House felt the gross impropriety of such conduct, but they also felt that they must bow to the wishes of the Hon. Attorney-General for Lower Canada. Could any thing be more disgraceful, or more contemptible than such conduct? After having alluded to the unfair predominance which the Representation Bill of last Session would have given the French Canadians,<sup>399</sup> Sir Allan McNab then proceeded to condemn the Representation Bill brought into the House last session by Ministers. He quoted from a paper published in Quebec, entitled the "Journal de Quebec," edited by Mr. Cauchon, M.P.P., and generally supposed to speak the sentiments of the Ministry, a passage which urged the passing of the measure, because it would perpetuate the power of the Lower Canadians.<sup>400</sup> He ... ((read)) a Report of the grand meeting of the confederation of the six countries, in Lower Canada, in 1837, in which vengeance was threatened against those who were described in it as the enemies of the country.<sup>401</sup> He asked if it was right that such a measure should be brought forward until the people demanded it? He contended that the demand for increased representation should come from the people, and argued that if the representation bill of last session passed, the just influence of Upper and Lower British Canadians in the Legislature of the Province would be annihilated. "Yes," Mr. Speaker, exclaimed the gallant knight, "if, when the Hon. Attorney General East brings forward his measure this session, he only manages to secure one more vote than he did last year, he will have secured his majorities on a perpetual lease, and, Mr. Speaker, during your life and mine, he will have everything his own way. At least he will think so. But he may have the support of his majority in the House, he may summon the people of Lower Canada to his aid; he may cry for help to the Roman Catholic clergy and the Roman Catholic Bishop of Lower Canada, and may appeal for support to the depraved and the vicious of both Provinces; but let him take my word for it, the people of Upper Canada will never submit to him as a dictator."<sup>402</sup>

MR. COM. PUB. WORKS MERRITT heard with pain the remarks of the hon. and gallant knight, raking up all the scenes which had hitherto taken place in Montreal.<sup>403</sup> If he had proposed any practical measure he would have listened to him with much pleasure.<sup>404</sup> Mais je ne puis entendre sans peine la mention des mêmes sujets qui ont été discutés pendant des jours et des semaines durant la dernière session, et qui ont conduit à des scènes de violence dont on ne devrait rappeler le souvenir que le moins souvent possible. Je ne puis suivre l'hon. membre dans l'arène qu'il a choisie.<sup>405</sup> He could make allowance for disappointment, but it was with regret that he heard his references to past occurrences. He regretted to see allusions again made to the Indemnity Bill. He was always opposed to the removal of the Seat of Government to Montreal, and he contended that there were sufficient grounds for its removal from Montreal. But the past ought to be sunk into oblivion.<sup>406</sup> Nous avons laissé les scènes de violence derrière nous dans le Bas-Canada, et maintenant j'espère que nous allons jouir d'une saison de paix et de tranquillité.<sup>407</sup> Canada could never become happy or prosperous while such reflections were made.<sup>408</sup> Il ne convient pas à l'hon. membre de mentionner le gouverneur général dans cette chambre.<sup>409</sup> It was the Ministry who had advised the Governor General to remove from Montreal, and they were and would be responsible for that advice,<sup>410</sup> dont il s'est plaint;<sup>411</sup> and the name of the Governor General ought not to have been brought in with that Act, especially as he had merely acted in a constitutional manner. Hon. gentlemen in alluding to the Petition from Upper Canada against the Indemnity Bill, had forgotten to make mention of those which were presented in its favor. The Governor General

acted constitutionally when he assented to it.<sup>412</sup> Et pour cela il a été loué par tous les hommes de bien dans toute l'étendue du pays. Je pense que le bill d'indemnité, malgré tout ce qu'on en a dit, a fait beaucoup de bien; il a montré au peuple du Canada qu'il possède le pouvoir de se gouverner lui-même, que le gouvernement impérial ne veut pas intervenir dans ses droits. Je puis bien comprendre la colère de l'hon. monsieur et membre de Huron, qui est allé en Angleterre pour demander aux autorités impériales de dire que la minorité du peuple du Canada doit gouverner la majorité.<sup>413</sup> And what was the result of that attempt?<sup>414</sup> Cette demande a été mise devant la Chambre des Communes,<sup>415</sup> after having fully examined the matter<sup>416</sup> une grande majorité en vint à la détermination de laisser le peuple du Canada se gouverner lui-même; un million et demi de citoyens doivent pouvoir conduire leurs propres affaires. Les Communes ont aussi approuvé la noble conduite du gouverneur général, le premier gouverneur constitutionnel que le Haut Canada a jamais eu.<sup>417</sup> (Hear, hear, and ironical cheers.)<sup>418</sup> La question est aussi venue devant la chambre des Lords, et là aussi, une majorité a décidé que le Canada doit avoir un gouvernement libre. Lord John Russell a prouvé dans son discours devant les communes que nous possédons ce pouvoir. Revenons à la motion de l'hon. membre pour Norfolk.<sup>419</sup> The gallant Knight had not stated whether he intended to support the proposition for an elective Legislative Council.<sup>420</sup>

SIR A. MACNAB said he did not intend to give that measure his support.<sup>421</sup>

MR. COM. PUB. WORKS MERRITT continued, it was of little consequence whether he or the gallant Knight did, or did not, but as the people had now got Responsible Government, they had a right to have Elective Institutions if they desired them.<sup>422</sup> Il peut avoir tout ce qu'il désirera; s'il veut que l'hon. membre pour Hamilton forme un gouvernement, il en sera ainsi. Pourquoi donc celui-ci n'attend-il pas patiemment, son tour peut venir bientôt! mais non avec une minorité, et non par le moyen de la force et de la violence, nul appel aux passions ne réussira dans le Haut-Canada; la conteste doit être soutenue d'une manière paisible et constitutionnelle, et être décidée au poll. Le peuple désire voir les fruits de ce droit de gouvernement libre dans une bonne législation pratique, pour le bien du pays, ce qui ne peut être effectué qu'avec les efforts réunis des deux côtés de la chambre. Je pense que nous n'aurons plus de violence dans la chambre; où querellera l'administration, et je n'ai pas d'objection à cela, mais on ne le fera pas sur le ton d'amertume et de violence qu'a caractérisé les débats dans des occasions récentes. Quant à la motion qui est devant la chambre, ce n'est pas le temps de la discuter; je pense cependant que la majorité du peuple ((est)) en faveur des institutions électives; et si le peuple veut que ce principe soit appliqué au Conseil Législatif, il le sera.<sup>423</sup>

COL. GUGY spoke at some length.<sup>424</sup> He was not in favour of an elective Legislative Council. He had hitherto had a spokesman to express his opinions in the honourable and gallant knight; but the time had come for him to dissent from the course pursued by that honourable member--to declare that he disapproved of the<sup>425</sup> tone and temper in which that gentleman had discussed that subject<sup>426</sup>. That hon. gentleman occupied a high and powerful position, in which he had the power of doing much good to his country, and<sup>427</sup> he supposed and believed that the hon. member desired to improve his country, by fostering commerce and manufactures,<sup>428</sup> of advancing its highest interest; but in his place that night, he had not shown a proper sense of his position. He had only displayed an anxiety to wound, to lacerate the feelings of those opposed to him. The hon. member, perhaps, did not intend it so; but there was little doubt that it would go abroad, that he approved of the scenes of violence which had passed before their eyes last year, of which he was sure no Christian man, no man of good feeling could help disapproving. He was forced to create this breach with his friends and the act gave him the greatest pain. He could not expect either, any sympathy from members on the other side of the House, who he differed from on many subjects, who had not been consulted, and knew nothing beforehand of the step he was then taking. His intended course was well known to



his friends on his own side of the House however; the matter had been discussed in private, and he had made no secret of his views. He would put the question on the broadest possible ground; on that debate depended the continuance in office of the administration. He had no communication with the ministry; he appealed to them whether he had had any communication with them; but he felt that he was bound by his sense of duty to his country not to do anything to endanger their tenure of office. He wanted peace,<sup>429</sup> and tranquility (sic)<sup>430</sup>, and was averse to scenes of violence; and he felt that the natural effect of the course of the gallant knight was anarchy and confusion. There was already a great relaxation of social bonds in the country; the standard of political morals was already too low, and the first duty of the Legislature was to raise it.<sup>431</sup> People began to doubt whether there was any patriotism left.<sup>432</sup> He (Colonel Guly) had all his life acted with the minority, and he expected still to continue to do so; but he was not to be caught assuming a position and laying down principles at one time, which he could not do at another. He was prepared to bow to the decision of the majority. Every one knew that he was not pleased with the events which had preceded those scenes of violence which the gallant knight had alluded to with questionable taste; he was grieved by them, but he bowed to the will of the majority. He might be willing to see the dismissal of the ministry, but he could see no chance of such a result from the course of the hon. member. If by a coalition between members, who like him were monarchically inclined, and those who were prepared to connect the Province with the neighbouring Republic, they could turn out that ministry, what would they substitute for them? Could they form an administration to take their places which would last an hour? Could they sit at the same<sup>433</sup> council board<sup>434</sup> yard and not eat each other up<sup>435</sup>, devour--swallow one another<sup>436</sup>? Perhaps the hon. member hoped that he would eat up the other members as Aaron's rod swallowed all the rest. If they could bring about such a result, ought they to do so?<sup>437</sup> He had expressed these views in private already, and he had partially endeavoured to prevent his friends, from their respect to an ancient and firm ally, from encouraging the annexationists by moving amendments in opposition to that part of the address which related to them.<sup>438</sup> He thought that it was their duty to abstain from all attacks on the administration in regard to their treatment of the Annexation question. One who had fought the battles of his country like the hon. and gallant knight should have rather manifested a desire to support the constitution and those who supported it. He should not enter deeply into the discussion of the speech;<sup>439</sup> but he would merely observe, that he thought it was full of<sup>440</sup> most valuable matter and much gentleness of manner<sup>441</sup>, that it formed a junction of the suaviter in modo with the fortiter in re<sup>442</sup>, and to embrace every subject upon which to bring about a coalition of parties, except indeed the Clergy Reserves. It spoke of practical measures that the country required, which the House would be much better employed in discussing than recalling scenes which it were much better to drop.<sup>443</sup> He thought it was his right and his duty to say a few words on the subject of annexation. It appeared to him that it was one of the tendencies of the age and country to agitate upon every subject which was capable of agitation. A few persons of sufficient wealth, who were interested in a particular measure, met together,<sup>444</sup> in a back street,<sup>445</sup> and then they set the press in motion, and so an agitation was got up with great facility<sup>446</sup>, insolently dictating to members of Parliament.<sup>447</sup> Now he considered that the hon. and gallant knight as a great party leader might have stepped forward to repute and denounce such a system. These agitators assumed the right to dictate to members of Parliament; they assumed all the merit of the measures if they were successful, while they assumed no responsibility of failure. The annexation movement had been got up in this way, and the only effect which had hitherto ((been)) produced was the thorough disruption of the Conservative party. There was no doubt that this had been the result, and the consequence was that he had no party to fall back upon, for he would rather return into private life, never to emerge from it, than represent annexation interests. He hoped that he would retain to his dying day his love for the Mother country and his pride in the name of Canadian. The annexationist appealed to the most sordid feelings of the human heart,



the love of money<sup>448</sup>, and they spread the greatest amount of falsehood. Thus, it was represented that if the Yankees come here they would bring great wealth into the country.<sup>449</sup> It was usual to talk about the poverty of Canada, but it should be recollected that it was but a young country and had had but little time to accumulate capital, but improvement was going on at a rapid rate.<sup>450</sup> He would say to the farmers that though they wanted rain they did not desire a freshet. To people who had read history it was well known that a great influx of gold had never brought anything but misery. Spain was his example. Even if the Yankees brought gold into the country, they would bring it for their own good, and the only effect would be to build up a monied aristocracy. The true wealth of a country was to be found in industry.<sup>451</sup> He would say that the city in which they were then assembled was fit to be called the city of giants, the product as it was of one generation. What accumulation of capital had taken place here during that time in homes, in public work, in under draining. They might compare the city favorably with any on the face of the earth, considering the short period of its existence; they should point to it as proof of what could be done in Canada, she was young, active and making rapid strides in improvement, and there was no country where the comforts and necessities of life were more generally enjoyed by the people.<sup>452</sup> Throughout the country no man could fail to live, unless in consequence of vice, and talking of annexation, he declared that vice was only rife among the annexationists.<sup>453</sup> Among the men who favored annexation were the most vicious of the community, men who had failed in every thing they had undertaken, and were ready to rush into any scheme, however wild and extravagant. They were afflicted with the vices of sordid avarice<sup>454</sup> for which they were almost all responsible--next there was the vice of<sup>455</sup> dishonest<sup>456</sup> speculation--wild speculation in flour--and lastly there was the vice of drunkenness; for though<sup>457</sup> he would not say that every annexationist was a drunkard, but he had found that every drunkard was an annexationist.<sup>458</sup> (Hear, hear, and ironical cheers.)<sup>459</sup> They had lowered and were ready for any scheme to raise themselves. The gallant Colonel again expressed his regret at severing the tie with his political friends. Except in the cases where Ministers were clearly proved to be wrong he felt that the only course left to him was to support them. One of the reasons for his doing so was their conduct--wise,<sup>460</sup> and better than wise, honest and true<sup>461</sup>, on the annexation question.<sup>462</sup> He praised the conduct of the Government in dismissing<sup>463</sup> those from office who signed annexation Petitions or Addresses.<sup>464</sup> It was the only course they could have pursued<sup>465</sup>. There was a point of honor, and whatever might have been the opinions of hon. gentlemen heretofore they were bound now, as advisers of His Excellency, to deprive gentlemen holding commissions as magistrates and militia colonels<sup>466</sup> and others<sup>467</sup> of any influence they might be able to exert in those capacities.<sup>468</sup> Would it have been fitting to permit those who favored annexation to use that power to overturn the constitution?<sup>469</sup> Some reference had been made to the removal of the seat of government; that subject had but little effect upon his mind.<sup>470</sup> The honourable member ... justified the removal of the seat of Government. He praised the City of Toronto, which he considered a giant city; but<sup>471</sup> he would declare that, for himself, and he believed for the people of Montreal,<sup>472</sup> no city was much benefited by the luxurious expenses consistent on having the possession of the seat of Government<sup>473</sup>. He thought that that City would be benefitted by the change, as its presence led to luxury, idleness, and<sup>474</sup> excited feelings of bitter enmity. That opinion was a very common one in Montreal, and the removal of the government was generally acquiesced in.<sup>475</sup> He would reserve to himself the right of voting on that question, geographically, whenever it should come up. However, to return again to annexation, he would say that Mr. Jno. Redpath was a public character and liable to remark. He would, therefore, remark on him that Mr. Jno. Redpath was an ambitious tradesman, who coming to the country without a shilling in his pocket and glad to take 2s. 6d. a day had amassed almost fabulous wealth, and wanting to place himself at a greater distance than he was already raised above the tradesman from whom he had sprung. He concluded by offering at the crisis to serve the ministry in any capacity, which might be allotted to him, like the great commander Blake, who, though opposed to the protector Cromwell, was still a friend to his country, and

ready no matter who reigned in England, to serve that person to prevent foreigners from fooling us.<sup>476</sup>

MR. CHRISTIE said that he had heard the hon. gentleman who just spoke with very great impatience, especially when he had compared himself to so great a man as him, of whom he just spoke, to give a respectability to his tergiversations. He thought the hon. gentleman's conduct on this occasion was very different indeed from that which he had followed last session. He had imagined that that gentleman, instead of feeling the gentleness of which he spoke to-night, had always affected a peculiar degree of indignation on the subject of the rebel losses bill.<sup>477</sup> He was not an annexationist, but he must observe, that he fancied he saw a laughing devil in the eye of the hon. member who had last spoken, while he made his remarks.<sup>478</sup>

COL. GUGY--if that refers to me, it is unfair and untrue.<sup>479</sup>

MR. CHRISTIE repeated that he had, he thought, even then, perceived a laughing devil in the hon. member's eye. He thought, too, that<sup>480</sup> he had seen the hon. member mixing a great deal during the recent occurrences,<sup>481</sup> in some processions that were not the most peaceable, nor most mild<sup>482</sup>, with those who were known to have been leaders<sup>483</sup>. But the hon. gentleman now was not satisfied with going over to the enemy, arms and baggage, he must also malign and slander his honorable friends behind him, as persons guilty of every vice,<sup>484</sup> as swindlers and drunkards<sup>485</sup>, merely because they were annexationists. The hon. member's conversion was too sudden to be sincere. For his own part, he repeated, that he had felt the greatest impatience in hearing the hon. member<sup>486</sup>. His (Col. Guky's) speech consisted of compliments for the Government, and he had put himself in a position<sup>487</sup> of humiliation<sup>488</sup>, from which he never would recover his influence with those with whom he had hitherto acted.<sup>489</sup>

DR. NELSON was greatly pained by the heat and violence displayed by the hon. and gallant Knight, unbecoming a gentleman of his years and standing. He hoped that the violence was only in his manner and not in his heart--that he had spoken on the impulse of the moment. He trusted that he had no intention of exciting again those disgraceful scenes which had occurred elsewhere, to the lasting shame and disgrace of Canada. One would have thought that, at the present crisis, every one would have endeavored to cast oil upon the troubled waters--have co-operated in the cause of their country, to assist in gaining for her a better name than she has hitherto obtained. He regretted that the hon. and gallant Knight had not endeavored, in that campaign, to add laurels to those he had already gathered; it was a pity that instead of doing so he had withered those which before crowned his brow. He deplored the attempts to lacerate the feelings of those opposed to him, by the honorable member; it pained him to hear the word "rebel" coming from men's mouths. When applied to him (Dr. Nelson) he said it was false as hell; he had been a rebel, not to the sovereign, but to a vile oligarchy, composed of men like those to whom Great Britain owed the loss of the thirteen Colonies. If men like the present advisers of Her Majesty had occupied that position in the reign of her grandfather, all America would yet have belonged to the British crown. With the exception of one person, none who took up arms with him (Dr. N.) wished to separate the Province from the<sup>490</sup> old and glorious<sup>491</sup> mother country; they rebelled because they were deprived of their rights as British subjects--because they could not enjoy the privileges of British institutions; they wished no more, and would have been satisfied with no less.<sup>492</sup> Nor did they take that step, until after they had petitioned and remonstrated with the Imperial Parliament.<sup>493</sup> They had held many public meetings before the revolt, at one of which he was president, as the hon. member had said. He thought that his name had been brought up that evening before people who did not know the circumstances of the case, for no kindly purpose, with a disposition to excite feelings of ill-will, which ought to be set at rest in the country for ever. He hoped that he was wrong, and if he was so, he begged the hon. member's pardon. In the days of old, a stigma had been attached to him, unworthy of the name of his



family, and his own feelings and conduct. He was glad to hear the manner in which the hon. members from Lincoln and the town of Sherbrooke had spoken on the subject, and hoped that it would have a good effect.<sup>494</sup> It was foreign to the blood which flowed in his veins, foreign to the ancestry from which he had sprung, to act the rebel to the British Crown.<sup>495</sup> The hon. member for Hamilton had made an attack upon the Catholic Clergymen and people of Lower Canada. Did his mind not go back, when he spoke thus, to his near associations with the members of that church? Did the virtue, piety and dignity of persons now gone, not remind him of the injustice he did to that church? He designed no doubt, to excite the feelings of the people of Upper Canada against their Lower Canadian countrymen, to induce them to wage war against them. The people of Lower Canada were loyal, and to whom was that loyalty owing? why to the clergy of the Catholic church, who were maligned by many professing loyalists. He had been in his younger days a red-hot Tory, and prepared to meet with hatred everything Catholic and French Canadian, but a closer acquaintance with the people had changed his views; he was soon satisfied by communication with their leaders, that in politics they asked no more than their rights. He had since jeopardized the fruits of thirty years labor in the cause of these rights. A false and unkind report had been lately spread abroad that he was induced by personal motives to support the Indemnity Act--that he was about to get<sup>496</sup> \$200,000.<sup>497</sup> The hon. member for Huron had said that it was through the influence of the hon. member for Norfolk, that he (Dr. Nelson) had consented to renounce his claim to a share of the indemnity.<sup>498</sup> That was not true<sup>499</sup>.

MR. CAYLEY said that Mr. Henry John Boulton had told him so.<sup>500</sup>

DR. NELSON resumed--Yes, that hon. member plumed himself on having saved the ministry; they would have fallen down if he had not helped them up. He had anticipated the honorable gentleman when he came to him (Dr. Nelson) on the subject; he had said that if any sacrifice of his was necessary to procure restitution for the unfortunate sufferers who had lost all, he was willing to make it, and he had expressly stated to some honorable friends in that House a few days before, that he was prepared to do so. If there was any credit due for the action, it was due to himself and not to the hon. member for Norfolk.<sup>501</sup> When he saw that his claims (which did not amount to the sum which had been stated,) might prove an obstacle to the passing of that bill, he and Mr. Bouchette, with five or six others came voluntarily forward and withdrew them. He had been actuated by pure motives; he was no hypocrite; he had a horror for fire-arms and war, and was pushed into it, literally dragged. He hoped it would be no stain on himself nor his children.<sup>502</sup> Those who attributed to him selfish and pecuniary motives in the course which he at any time pursued, misrepresented him and knew him not. It was to that ((that)) was referred his support of the present ministry. But he supported them, because their motive was evidently a desire to promote the public good, while the conduct of those who opposed them, originated in a desire for their own self-advancement. He said it was getting late, or he should advert to several other topics in the speech, the consideration of which would undoubtedly come up again. It was difficult, he said, to curb one's indignation, on hearing the objections that are raised against the present Government of the Province; which were urged by men who would not pursue that course were they true patriots, or were they influenced by a desire to serve their country, and who were not worthy to untie the shoe-latchets of those whom they maligned. The Lower Canadians also had been misrepresented; they had been kept in the back ground, and studiously neglected. He trusted, however, that the union of the two Provinces, which was meant for their destruction, would ultimately prove their salvation; and he hoped the day would arrive when there would exist no rivalry between parties, but as to which could best promote the public interest. In all the communications which he had had with the French Canadians, he had endeavoured to dispel those prejudices they entertained against the British population, which had originated in the treatment the former had received at their hands. He would tell the House--and his Honor the Speaker knew it well,--that the Lower Canadians desire



nothing more than their political rights; he should like to see in what manner the leaguers and annexationists would take the field; and was satisfied that no class of men would come forward with more alacrity in defence of their country, than the French Canadians, were it invaded by a foreign enemy. Though they had been formerly promised that they should be well treated, yet, whatever might be the state of the public mind in England these promises had never been realized, owing to the pernicious influence exercised at Downing-st. This, he was happy to say, existed to that extent no longer; and it was this altered condition of things, which had induced a disappointed and prostrate party to raise the cry for annexation, because they could no longer rule the country and prevent the advancement of honest men, and who called the French Canadians rebels! He (Mr. N.) had a natural horror for arms and warfare, but had been thrust into it; for nothing remained for him under the circumstances in which he was placed, than to do so, or allow his castle--an Englishman's castle--to be attacked, and tumbled about his ears. He trusted, however, that the position he then assumed, would not cast a stain upon his character after he had been dead and gone, or a reproach upon his children. One fact, he said, was not sufficiently known--it was, the conduct of himself and the French Canadians, while expatriated and residing in a foreign land; did they asperse the sovereign of whom they were the subjects, or the great empire to which they were still attached, and of which this Province forms a part? No; they refused the rights of citizenship which were freely offered them in the United States, notwithstanding the unbounded hospitality with which they were treated there; but said, in reply, that they still hoped to go back and enjoy undisturbed their rights as British subjects; they told the Americans, that it was the same men who had tyrannised over them, and who formerly compelled them to take up arms in defence of their rights--and thus produced the severance of the then colonies from Great Britain--who had drawn them also into rebellion. These were the individuals who oppressed the people of Canada--monopolised all the offices, wealth, and influence of the land--and closed the avenues of advancement against honest men. Notwithstanding all that those who with him had been expatriated, had suffered from persons in authority, they still loved their native country as their mother, and England as their foster-father; they were always desirous of returning to that country--and they had returned. For himself, he felt happy in having taken part in the contest with men who were actuated by no improper motive, and who were most desirous of advancing the best interests of Canada. It spoke well for the Head of the Government, that in the course he is pursuing, he is actuated by principle. The inhabitants of this country have now a taste of that good government for which they so long had sighed; and he trusted, that for the sake of its peace, honor, and welfare, hon. members would no longer advert to that, which would only create the recurrence of bad and angry feelings; and that those gentlemen in the House, who were more advanced in life, and to whom the younger portion looked up for examples of moderation and magnanimity, would not disappoint those just expectations.<sup>503</sup>

MR. SANBORN made his maiden speech.<sup>504</sup> ((He)) felt called on to reply to the observations made by the hon. member for the town of Sherbrooke.<sup>505</sup> He was placed in a position quite different from any other member of this House<sup>506</sup>. He was not bound down by any ties, actuated by any prejudices, or pledged to any party in the assembly.<sup>507</sup> He was not bound to act in any other way than that which he deemed most advantageous to the country, and to his constituents who had sent him<sup>508</sup> new to public life<sup>509</sup>. He could not, therefore enter into those<sup>510</sup> bad passions<sup>511</sup> which gentlemen on both sides entertained towards each other. It had been remarked by the gallant Knight, that the desire for annexation was caused by the Rebellion Losses Bill; that was not the case, although it might have increased it.<sup>512</sup> He was an Annexationist, and he was not ashamed to stand up in his place in Parliament and say so. That party have been styled--disloyal--unfaithful and dishonest in their acts, but he believed them to be conscientious.<sup>513</sup> It would be found, however, that a large number of individuals who were most forward in the first instance, in promoting the annexation movement, were now the most determined opponents of that

measure. With reference to the present Government of the Province, he believed, the members who compose it, are liberal men, and are desirous, while carrying on the Government, of promoting the best interests of the country.<sup>514</sup> He believed there was more liberality on the part of the Ministry in this than appeared upon the surface. He believed there was not the real opposition, which was professed; but that<sup>515</sup> many gentlemen ... were of that opinion, who did not deem it expedient to avow their sentiments, but who, nevertheless,<sup>516</sup> opposed annexation to preserve the present ministry in power<sup>517</sup>, as they were satisfied no other set of public men could be found, who would so well fill their places. He (Mr. S.)<sup>518</sup> said he must confess, and that frankly<sup>519</sup>, fearlessly, that he wished the gentlemen at present forming the Ministry, to remain in power; for he felt assured, there was no party in the House, which was competent to succeed them--none so united, or who would act so unanimously, as to be able to carry on the Government successfully. He disagreed with the member from Huron, in his remarks of yesterday, as to what the Government had effected. He (Mr. S.) thought they had done much and had procured the enactment of laws, that were calculated to promote the best interests of the Province;<sup>520</sup> one of which had done more good than any other Law, in fact worth the whole of them to the country which he represented, he meant the Portland Railroad Bill.<sup>521</sup> Then as to the Judicature Bill, from the hurried manner in which it had been passed he was surprised it was so perfect as it is.<sup>522</sup> He must however, differ with them on many points, and he thought he might congratulate them on their success. There was one measure, however, which he did not agree with, the Rebellion Losses Bill, but<sup>523</sup> he said, he regretted as much as any member could, that allusion should have been made to a measure that had caused much trouble. The Rebellion Losses Bill had no precedent in history<sup>524</sup>. He considered the ... bill a most impolitic and unheard of measure<sup>525</sup> and he believed that those who brought it forward, now deemed it to be impolitic themselves. But he was desirous that all discussion should be suppressed, and that the recollection of what had occurred, should be buried in oblivion<sup>526</sup>, never again to be disinterred.<sup>527</sup> The members of that House, he said, had higher duties to perform, and which would not allow them to engage in a course of conduct that would disgrace less important bodies; they were sent for other purposes than to create dissension, and to endeavour to weaken that support, which the Government received in the Assembly.<sup>528</sup> Our constituents ... expect we should consult the views of the whole Province.<sup>529</sup> There were some subjects on which he differed with the Government, yet this would not prevent him from supporting them as to those of public and general usefulness. He differed<sup>530</sup> entirely<sup>531</sup> from them with reference to annexation; and notwithstanding what had been said by the Hon. gentleman who misrepresented the town of Sherbrooke, and the feelings of that county, its inhabitants were favourable to annexation, if it could be obtained peaceably.<sup>532</sup> He was really at a loss what to say when he saw those whom he believed to be liberal men, who have proved that they had liberal views, when they come into power go against those very principles<sup>533</sup> which every British subject held dear;<sup>534</sup> and by their vote<sup>535</sup> had exhibited a desire to controul the right of petitioning, and the freedom of speech.<sup>536</sup> Nothing could be worse than the principle on which they had acted unless it were the mischievous manner in which that principle had been carried out in practice. But into what straits had they not been forced by the unjust position which they had assumed?<sup>537</sup> The absurdity of the course they had pursued in this instance, had been exemplified by the removal from office in the county which he represented, of individuals who were most useful members of society; where<sup>538</sup> some fifteen or twenty<sup>539</sup> magistrates,<sup>540</sup> gentlemen of the highest respectability<sup>541</sup>, who had acted honestly for years,<sup>542</sup> have, with one fell swoop,<sup>543</sup> been officially beheaded,<sup>544</sup> all dismissed from commissions which they held with credit to themselves and honor to the country, at the instigation of some of the most depraved men who could not be trusted by any respectable individual. And for what reason? Why because they desired to express an opinion. Because they desired to say they were in favor of Independence and that it would be for our interest to be separated from Britain, not forcibly but peaceably, if Great Britain should grant it. They felt bound to pursue the course they had taken, believing it to be for the



Country's advantage<sup>545</sup>, and ... had a right so to do. He thought this condition had been overlooked by the Government, who, having once committed themselves, felt bound to proceed.<sup>546</sup> He was told that in the first dismissal the ministry had overlooked that condition ((the consent of Great Britain)) or that they would not have made the dismissal, and that afterwards they merely went on because they were ashamed to acknowledge their error. On the whole, he could almost hope that for the sake of hon. gentlemen, that this was the true explanation of their conduct.<sup>547</sup> He believed their desire was to do right in the first instance; and in the second place, hoped that as honest men, they would retrace their steps, even although it might call down upon them the sneers of their opponents. By removing men in whom the people had every confidence, and who had been so long in office,<sup>548</sup> men who by good conduct were calculated to be ornaments to the society in which they moved<sup>549</sup>, the members of the Government had not only disgraced themselves, but they had brought authority into contempt. Power without dignity, he said, degenerated into childish retaliation: and no remark could be more applicable than this, as respected the course pursued by the Ministry; which had been placed in the more glaring light,<sup>550</sup> and nothing reflects more to their discredit. Farther than this, it shows the straits to which the Ministry are driven to supply these vacancies.<sup>551</sup> The Government had departed from the customary course, and had not, as usual, consulted the representatives of the country,<sup>552</sup> in their appointments<sup>553</sup>, but had taken the advice of irresponsible persons, and appointed those who were notoriously bad. In one instance,<sup>554</sup> they had consulted a gentleman who had been disrobed for fraud, chicanery and interference with the records of the Courts of Justice<sup>555</sup>, and who has had to fly the country for forgery. This is the individual who has advised the ministry as to the appointments. These statements are all well known to the Government. And farther, that very individual has had an appointment in the Commission of the Peace. He and others of a like stamp have been appointed<sup>556</sup> who had never been guilty of writing a sentence of good English in their lifetime.<sup>557</sup> In one Township,<sup>558</sup> Sherbrooke,<sup>559</sup> where there were two thousand souls, every man qualified to serve, with one exception, had signed the obnoxious document, and he had at first the good feeling to decline the offer of the commission sent to him.<sup>560</sup> In this dilemma, fortunately for the Government,<sup>561</sup> a person who had signed, was then induced to recant, and his recantation (sic) was rewarded by absolution and a commission. That was a man who had fled to the Province, because he could not pay his creditors; who had been several times in bankruptcy in the Province, and who traded in Montreal in his son's name, because he could not put up his own sign. Another person, recently gazetted to the Magistracy, had been several times accused of crimes, and had been in Jail at Danville in the United States on a charge of forgery--and this was the man set up<sup>562</sup> as an example to others,<sup>563</sup> to be a terror to evil doers.<sup>564</sup> Since his arrival, he had heard of the appointment of a party in his own county, who certainly could not be known to the Government as well as he is ... ((elsewhere)) known; who had been in jail for forgery, and who was notorious as a rogue;--on him a commission of the peace had been bestowed. Did not these appointments reflect upon the character of the Ministry, and prove that the measure which originally had been adopted was leading to bad results.<sup>565</sup> He replied very happily to Mr. Gagy's assertion that the annexationists were vicious men, and congratulated the Ministry on their new convert, who he said doubtless spoke exactly what he thought except perhaps in one particular--he (Mr. Sanborn) confessed that he somewhat doubted the extreme tenderness of affection, which the hon. gentleman had expressed for Sir A. McNab, which occasioned him so much pain at breaking away from the hon. and gallant Knight. If he did entertain that warmth of affection, the hon. and gallant Knight might well pray to be delivered from such friends, while those to whom he was about to transfer his allegiance might exclaim in the language of the poet

"Timeo Danaos et dona ferentes"<sup>566</sup>.

Mr. S. continued by repeating, that it was not his intention to offer any factious opposition to Government.<sup>567</sup> He was not ashamed of the name of Annexationist, as he only sought that object by lawful and peaceable means<sup>568</sup>. As to the dismissals that had taken place<sup>569</sup>, though there were many men in the House older than



himself, they were in his opinion young enough to live to ... see the present administration shamed of and regretting their present attempts to stifle free discussion<sup>570</sup> ((and)) to hear those dismissals condemned by the entire community.<sup>571</sup>

COL. GUGY said, he had always said it, and he would repeat it again, that all annexationists were blackguards, drunkards, and he knew not what else.<sup>572</sup>

MR. SANBORN.--The honorable gentleman is noted for being very subtle, and good at turning short corners. All he could say was, that if all annexationists were drunkards, he represented a very low set of blackguards, for all without almost an exception, were annexationists; and he felt warranted in saying, that the hon. representative for the Town of Sherbrooke was misrepresenting his constituents.<sup>573</sup>

MR. DEWITT said that as Mr. Gagy said Annexationists concocted their measures in dark corners, he must have been there to see them. But the truth was that these Annexationists had done every thing in open day. They proposed to do nothing without the consent of their Sovereign, and it was new to him that ((his)) mind should be enslaved. The hon. member for Sherbrooke (Town) must also, it appeared, have associated with drunkards and other bad characters, as he had been able to discover that they were Annexationists. He defended Mr. Redpath against the observations of that gentleman, saying he thought at one stage of the hon. members (sic) remarks, that he conceived it was unfortunate to be rich, and better to be poor, and yet he blamed Mr. Redpath for keeping people poor, as he said Mr. Redpath desired to do. Mr. Redpath, however, instead of doing so, had done every thing in his power to enrich the artizans by giving them employment.<sup>574</sup>

MR. ROSS had heard sentiments uttered that day,<sup>575</sup> in that House, which he could not pass over<sup>576</sup> uncontradicted<sup>577</sup> or he would not have risen to speak.<sup>578</sup> He alluded to observations that had been made during the debate on the Court of Chancery, in which it had been stated that the members for Lower Canada would resist the proposed amendment, from a determination to support the Ministry. He (Mr. R.) was well acquainted with his colleagues from Lower Canada, and was satisfied they would not vote for any measure which their conscience condemned; they would not so vote to support any party. The object of the movers of the several amendments, was to obtain a victory over those to whom they were opposed. The members from the Lower Province would doubtless refrain from voting in favor of measures which they did not fully understand.<sup>579</sup> The hon. member for Halton was one who had spoken in this manner; but that hon. member should recollect that<sup>580</sup> each one of them represented an eighty-fourth part of the population of the entire Province, and professed to have sufficient information and ability to be able to give their opinion on all subjects, upon which persons generally can be expected to be informed.<sup>581</sup> There were subjects, indeed, on which hon. members from the Eastern part of the Province could not know much, and that of the Chancery Court was one, but if the Chancery Court came properly before the House it would be the duty of those hon. members to inquire into its operation so that they might act upon it. But<sup>582</sup> when they saw it brought up indirectly as in the case referred to, and were called upon to pass an opinion as to a vote, which was intended to turn out the Ministry, they were not so short-sighted as not to comprehend what it meant. They would endeavor to do their duty faithfully on all occasions, and to oppose the return to power of the old family compact party. He had hoped on entering the house, that its political atmosphere would have exhibited a more genial temperature than he had witnessed; and that reference would not be made during the Session to scenes and circumstances, which it was desirable should not again be alluded to; but unfortunately a proposition to that effect had been introduced by the gallant knight on a previous day; whether this was for the purpose of creating discord and violence in Toronto or not, he best knew himself; but the people of Toronto were far too intelligent a class to be taken in by such clap-trap. (Cheers.) It was a measure of which the parties with whom it originated should, themselves, be ashamed. He should expect that the older members would act an example, which might prevent unnecessary and dangerous

excitement. He was satisfied, however, that the gallant knight already regretted the course which he had pursued. He (Mr. R.) would be very sorry to see the ministry retire; and he did not know what would be the destiny of Canada if they were succeeded by the party who formerly ruled in this colony; who had sacrificed the character of the country at home and abroad--a party which required, as ((they)) themselves had stated, that it should be lashed into action, so as to command a majority of one; and which he wished was lashed into the exercise of common sense, and a desire to promote the good of the country. He should have refrained from any other observations at that time, had it not been for the allusion to annexation made by the member from Sherbrooke. With that exception, the sentiments he had uttered did him credit as a British subject. But the question of annexation should not be introduced on the floor of that house; a British colonial Parliament was not the place to argue for or against it.<sup>583</sup>

MR. SANBORN--I alluded to the subject in the defensive.<sup>584</sup>

MR. ROSS--Whether in the offensive or defensive, the subject was decidedly offensive to him, and he could not refer to it without a feeling of indignation. It originated in the ungrateful minds of certain persons, because they could no longer rule the Province; and proved that the loyalty<sup>585</sup> towards Great Britain<sup>586</sup>, of which they so much boasted, was merely filthy rags.<sup>587</sup> The hon. member had also in not very good taste made attacks on the private character of men, not present to defend themselves.<sup>588</sup> Allusion, Mr. R. said, had been made by the member for Sherbrooke, Mr. Sanborn, to a gentleman who had received an appointment in the county of which he is a representative; it might be that the individual alluded to was the one who had presented a petition against the hon. member's being returned to that house. He was a member of the Quebec bar, and had committed no act there of which he need be ashamed; he was highly respectable, and did not deserve what had been said against him.<sup>589</sup>

MR. SANBORN here offered to adduce proof of the correctness of his statements.<sup>590</sup>

MR. ROSS continued: When he spoke of a person being disrobed for fraud, he could state that his remarks were untrue. He knew positively that, at least, no member of the Quebec bar had been disrobed.<sup>591</sup>

MR. SANBORN said his statements were substantially correct. The circumstances to which he alluded could not be unknown to the hon. member for Megantic, if he pleased, he Mr. Sanborn would (sic) relate them to the House.<sup>592</sup>

MR. ROSS said at any rate these remarks on individuals who could not defend themselves were most unfair.<sup>593</sup> The language which had been used, however, he said, was not suited to this side of the line 45, although its coarse tone might be acceptable on the other. It was unsuited to that house, and was inconsistent with the sense of propriety by which its members should be actuated.<sup>594</sup> He continued to deprecate the exciting subjects which had been brought before the house, which transformed it into an arena for the strife of bad passions instead of a deliberative body<sup>595</sup>. He should detain the house no longer, and<sup>596</sup> repeated that he<sup>597</sup> would not have taken part in the debate, if it had not been asserted that the members from Lower Canada would flock to give their support to the ministry, even on questions which they did not understand.<sup>598</sup>

MR. W. BOULTON desired to explain that he had no wish to make any allusion unfavourable to Lower Canada members, with reference to a motion lately before the house. So far from that being the case, he had himself voted with them on that subject.<sup>599</sup>

SIR A. MACNAB wished to explain to the hon. member for Richelieu that he had no desire what ever to speak slightly of the Roman Catholic Clergy. He had been informed, and he could state his authority.--(Name, name.) He would give the name when he found it was necessary. He had been informed that the hon. member for



Richelieu had boasted that he could obtain the support of the whole of the Roman Catholic Clergy. And it was in allusion to that, he had said that the hon. gentleman was welcome to their support. He could assure him that he had not the slightest intention of offering any insult to that very respectable body.<sup>600</sup>

MR. HOLMES said this House had indicated very fairly, by refusing to receive a petition respectfully drawn, the disposition in which it would treat unpalatable doctrines.<sup>601</sup> It was with extreme regret that he rose to blame the Ministry, for the course taken by them on this subject, as he had always hitherto supported them zealously, under the impression that they could give more general satisfaction as a Government, under our present system or constitution than any other party<sup>602</sup>, and would support ... ((them)) still he differed from them as to what was for the good of the country, and then he would as ... an English subject assert his opinion freely and fully.<sup>603</sup> Those hon. gentlemen had advised the Governor to say that the principles of Annexation were not entertained by any respectable portion of the public. He believed that statement was erroneous, for he felt confident that Annexation principles were entertained by a large proportion of the<sup>604</sup> inhabitants, not merely of the City, but of the District of Montreal.<sup>605</sup> And if those hon. members (the Cabinet,) were removed from the Treasury Benches it would prove that his statement was correct.<sup>606</sup> There were men in that house who made no secret of putting their opposition to Annexation on this ground, and who declared that nothing prevented them from joining in agitating for Annexation, as the only salvation of the country, except the fact that they thought the present ministry had a long lease of power.<sup>607</sup> They were, however, apparently in advance of the time, and the consequence was, that highly blameable attempt made by the Government to gag their mouths, and prevent them exercising their right of free expression of opinion. What was this manifesto, which had drawn down the wrath of the Ministry? A mere statement of the views entertained by the people who had signed it, respecting the altered circumstances of the Province, and of the opinion they had formed, that the distress and ruin brought upon them would meet with relief by a union with the prosperous and happy<sup>608</sup> free Republic<sup>609</sup> in our neighbourhood. And he hurled thick with scorn and contempt the insinuation, that the parties who enunciated and avowed those sentiments were a set of bankrupts and drunkards. They were a highly respectable and independent body of Englishmen, who had studied the question deeply and earnestly--and who not only did not deserve the epithets heaped upon them, but were also free from the imputation of being either office-holders or office-seekers; and they had arrived at the conclusion that this colony could no longer be governed by Downing Street<sup>610</sup>, a power three thousand miles away,<sup>611</sup> in accordance with the wants or the wishes of its inhabitants. Let any Canadian go to Great Britain now, let him go to Downing Street, and dance attendance there from day to day, and see in what manner he would be treated. Why, with the most perfect contempt; and if he did at last gain an interview, he would find that not only the masses of the English people, but even the Colonial office itself, was in the most profound ignorance on every subject connected with Canada.<sup>612</sup>

MR. INSP. GEN. HINCKS. What would take him to Downing Street?<sup>613</sup>

MR. HOLMES. What would take him to Downing Street? Why, to present petitions occasionally.<sup>614</sup>

MR. INSP. GEN. HINCKS--Men who want to obtain the rejection of laws made by the Provincial Legislature?<sup>615</sup>

MR. HOLMES. No. Not against the Acts of the Provincial Parliament. The hon. gentleman who had interrupted him, had himself procured a letter of introduction to Downing Street for a gentleman of the highest ability and enterprise,<sup>616</sup> Mr. McPherson of the House of McPherson and Crane<sup>617</sup>, who was desirous of establishing a line of vessels between Bremen and other continental ports and Quebec, for the purpose of securing the carriage of the extensive European immigration on its way to the West. Well, after a vast deal of trouble and delay, he<sup>618</sup> only<sup>619</sup> succeeded in getting an interview with Mr. Hawes<sup>620</sup>. Mr. Hawes received him in a most profound ignorance of



Colonial affairs<sup>621</sup>. After having stated his views to that gentleman, what did hon. members think was the reply? Why, it was this. "Mr. Macpherson,<sup>622</sup> I can easily understand," said he, "how your project may be<sup>623</sup> all very well for the steamboat owners on the St. Lawrence, but in what way can it benefit Canada itself?<sup>624</sup> What possible advantage can the people of Canada have in a large emigration?"<sup>625</sup> (Hear, hear.)<sup>626</sup> Mr. McPherson reminded him of the large sums of money sunk in the Canadian Canals; and Mr. Hawes replied "oh yes, I had entirely forgotten them (laughter). Well, I will send for the Secretaries." Accordingly, the Secretaries, Messrs. Murdoch and Elliott, who were both pretty well known in Canada were sent for, and these gentlemen undertook to catechise Mr. McPherson<sup>627</sup> with regard to his own views<sup>628</sup> on the business of forwarding<sup>629</sup>, and he was met in a lisping, dandified sort of style—with a request to be informed whether "he could really accomplish what he proposed?"<sup>630</sup> Among other questions he was asked<sup>631</sup> "How long would it take him to convey immigrants from Quebec to Buffalo?" And when he replied in three days and a half, the answer he elicited was, "Indeed, that is very quick." (Hear, hear.) "I think he must be in error. I have lived in Canada, and know that the current falls down the river at the rate of four miles an hour. It is impossible, quite impossible." (Hear, hear, and laughter.) After that specimen of the knowledge that<sup>632</sup> these very well informed and self-sufficient<sup>633</sup> Downing Street diplomatists had of Canada, hon. Members might be able to form some idea.<sup>634</sup> The hon. member excited a great deal of amusement by the dramatic manner in which he gave the scene between Mr. McPherson and the Secretaries, who, from his account of it, must be something of what is called the "Haw! Haw!" style of men; and his impersonation of the character was received with repeated cheers and rounds of laughter, from all sides of the House.<sup>635</sup>

MR. INSP. GEN. HINCKS, Yes. And after that specimen, the House might form an estimate of the gratitude of that gentleman for an introduction he had no right to expect.<sup>636</sup>

Loud cries of order from MR. HOLMES and the opposition<sup>637</sup>.

MR. MORIN the SPEAKER called Mr. Hincks to order.<sup>638</sup>

MR. INSP. GEN. HINCKS desired to explain the circumstances. He contended that he was perfectly in order.<sup>639</sup>

MR. HOLMES would not allow himself to be interrupted. He did not wish to show any ingratitude to the Colonial Ministry, but he blamed the officials in Downing Street for their ignorance of Canadian affairs. He had been repeatedly told that we ought to feel the greatest gratitude for the manner in which England has acted towards her Colonies. But he could not see any reason for showing an extraordinary amount of gratitude, although he was willing to admit that lately she had not refused any of our requests, and had even shown a desire to throw us off altogether; but admitting that to be the case, was it any reason why we should prostrate ourselves at her feet<sup>640</sup>. He did not think she had consulted the interest of Canada in her late changes of policy<sup>641</sup> giving Free Trade to her people<sup>642</sup> though<sup>643</sup> he did not desire to throw any blame upon her<sup>644</sup>. He acknowledged that he believed she was desirous of doing what was right,<sup>645</sup> for however prejudicial it might be to the Colonies, it had become absolutely necessary for the welfare of her own masses,<sup>646</sup> and ... he certainly did not wish to see her go back to the policy which had inflicted starvation on her millions of labourers, whatever effect the change might have on Canada. At the same time<sup>647</sup>, he did blame the Government for attempting to throw a stigma on the signers of the manifesto, because they had avowed this opinion as to the course to be adopted, since Free Trade in England had inflicted a great amount of misery on them. For he believed that although they were styled republicans and rebels, there were numbers among them who had stood forth once in defence of their allegiance,<sup>648</sup> when there was danger in being loyal,<sup>649</sup> and would do so again, if occasion should require, more readily and more firmly than many who now boasted of their loyalty, but whose loyalty was rather of the lip than of the arm. He believed firmly<sup>650</sup> it was an undoubted fact, not to be gainsaid,<sup>651</sup> that these

gentlemen who have been deprived of their commissions, were among the most loyal and respectable of the population of Lower Canada,<sup>652</sup> and ((he)) treated as a piece of insolence, the despatch of Lord Grey, threatening criminal prosecutions against men who had merely expressed, openly and frankly, opinions which had been expressed far more strongly in England, by men, whom Earl Grey dared not threaten. Daniel O'Connell had been convicted of sedition; but the British Government had never had the meanness to deprive the gentleman of his silk gown on that account.<sup>653</sup> And he had very little difficulty in foreseeing that the time was not far distant, when the Ministry would regret the course they had adopted on this question. He contended that it was unjustifiable towards the signers of the manifesto, who had been forced upon that step, by a comparison of their own distress, when compared with the property of the neighboring Republic<sup>654</sup>. But the annexationists of Lower Canada were annexationists, because they saw the depreciated value of their property, and<sup>655</sup> for his part, he must say, that he could not understand how it was, that the intelligent yeomanry of Upper Canada did not enter into those feelings quite as strongly as they did. He did not mean feelings of hostility or hatred towards England, for their love for her was as strong as ever it had been--but he wondered how it was that the hardy yeoman or lumberer, who is obliged to sell his<sup>656</sup> lumber and produce ... 20 or 25 per cent<sup>657</sup> below the price on the other side of the line, which twenty per cent goes to the United States revenue, could not understand and appreciate their motives. But there was no doubt that the intelligent people of Upper Canada would very shortly understand in what manner they might themselves obtain that twenty per cent, and would come forward at the polls for the express purpose of electing such representatives as would carry out their views on annexation; and he had no doubt they would be as unanimous as the citizens had been.<sup>658</sup> Then they would join the annexationists in a constitutional request to Great Britain, which Great Britain was too magnanimous to refuse.

He again spoke of the numbers and respectability of the signers of the Montreal Manifesto, and of the comparative failure to get up a counter demonstration<sup>659</sup>. A few days after the annexation manifesto had been issued, a great effort was made to get up a counter manifesto, and every stipendiary and office-holder in Montreal, was obliged to sign it, and although there were four or five additional names, yet as the people to whom they belonged could not be found in Montreal--and in fact, it was quite uncertain whether they existed--he was confident, that not only the independent population of the city, but that the people of the county, also, were decidedly in favor of annexation. However, although that was the case, they were anxious to procure their object by none but the most peaceful means, and refrained from urging it upon the public attention too strenuously, lest everything should be thrown into confusion. They were strictly loyal, although it might suit the purpose of the Government to term them Republicans; and desired a separation from England, not through hostility to her, but because they were convinced that it would be more beneficial for their interests, and for hers also.<sup>660</sup> He defended Mr. Redpath against the remarks of Mr. Gagy, for whom he said it would be well if he possessed a character as unblemished as that of the gentleman whose conduct he had criticised. Mr. Redpath was an intelligent and a loyal man in the true sense of the word. He was neither ashamed of being an annexationist, nor desirous of retracing what he had done. He was a loyal British subject, ready as he had proved himself on former occasions (sic), so long as Canada continued a dependency to shed his heart's blood to defend his country and the honor of Her Majesty, if it were assailed; but desirous of being free from a connexion which he believed was a loss to the Colony<sup>661</sup>. For his part, he was at a loss to understand why it was that England still desired to retain a Colony which was only a bill of expense to her,<sup>662</sup> unless indeed there was some serious design of creating the Colonies into what had been called "a huge breakwater," to resist, at the expense of bloodshed, the power of a republic which he regarded as the greatest country on the earth, because he thought its people the most energetic, the best educated, and as a consequence, the freest from want and distress of any on the earth.<sup>663</sup>



MR. INSP. GEN. HINCKS said he was not going to discuss the question of Annexation with the hon. member who had just taken his seat, but to give an explanation of the circumstances to which the hon. gentleman had, with very questionable taste, alluded in a manner calculated to throw ridicule on the Colonial Office; and he must say that he was astonished that the hon. gentlemen's remarks and tone should have received so much applause from the other side of the House.<sup>664</sup>

MR. CAYLEY said, that the applause proceeded from both sides of the House.<sup>665</sup>

MR. INSP. GEN. HINCKS denied that his side of the House had applauded the hon. member. All the cries of approbation were made by the opposition.<sup>666</sup> He thought it strange to justify the annexationists on the ground of the treatment of Colonists in Downing Street.<sup>667</sup> When the hon. gentleman first mentioned the subject, he (Mr. Hincks,) could not forbear interrupting him, to enquire whether he had alluded to persons going to Downing Street, for the purpose of procuring the interference of the Colonial Minister with Provincial Acts of Parliament. For he knew that that system had been pursued for years, and that unfortunately they had not always to complain of want of attention. It happened, however, that he was well acquainted with the circumstances of the case, as he had been instrumental in procuring for the gentleman referred to, the letter of introduction which he required, and which was solely for the purpose of carrying out a private speculation<sup>668</sup>, endeavouring to obtain facilities for establishing a line of emigrant vessels from Germany. He wished to get letters to the foreign Consuls to facilitate his business, and those letters were given by the intervention of Lord Grey.<sup>669</sup> He (Mr. Hincks,) had since seen letters from that gentleman, in which, instead of complaining of want of attention, he had expressed his gratification at the<sup>670</sup> courtesy he received at the hands of Earl Grey, though he went there without any character that deserved particular favour, since he went merely as a private merchant<sup>671</sup> and at immediately obtaining the letters which he required, to the Consuls at different Continental ports.<sup>672</sup> This he knew had greatly aided Mr. McPherson in his plans, and this was the grateful return.<sup>673</sup> And now the thanks due to the Colonial Government, and to the Colonial office, were contained in the speech of the hon. member for Montreal, and he would leave it to the House, whether that hon. gentleman's attack could be justified<sup>674</sup>. He went on to condemn the manner in which he said people were in the habit of going to the Colonial Office, to complain of the government of the colony, and believed that, on all proper occasions, colonists<sup>675</sup> had no cause to complain of want of attention; on the contrary, they sometimes received too much.<sup>676</sup>

MR. HOLMES would like to ask the hon. Inspector General, if his regard for Downing Street had always been as high as at present? He had heard that<sup>677</sup> a few short years ago, Mr. Baldwin<sup>678</sup> had visited it ... and had<sup>679</sup> been absolutely refused admission at the Colonial Office, and that in the most contemptuous manner.<sup>680</sup>

MR. AT. GEN. BALDWIN: that would not justify the hon. member himself in the attack he had just made. He concurred entirely with his hon. friend the Inspector General in the views he took of that hon. gentleman's tone and manner.<sup>681</sup>

The House had been in session for 11½ hours, when an agreement was entered into that the question should be taken up at ten o'clock on Monday last (sic); and then to be finally decided.<sup>682</sup>

(18)

*On motion of Mr. Smith of Frontenac, seconded by Mr. Egan,*

*Ordered, That the Debate be adjourned until tomorrow.*

*Orders deferred.*

*Ordered, That the remaining Orders of the day be postponed until to-morrow.*

*Then, on motion of the Honorable Mr. Chabot, seconded by Mr. Smith of Frontenac, The House adjourned.*



FOOTNOTES: 22 May 1850.

1. The following papers reported the debate on this matter in identical accounts: PILOT, 28 May 1850, PACKET, 1 June 1850; LA MINERVE, 27 May 1850, and JOURNAL DE QUEBEC, 1 June 1850. The following papers reported the debate in partially identical accounts: GLOBE, 25 May 1850; BRITISH COLONIST, 24 May 1850, MONTREAL GAZETTE, 28 May 1850; NORTH AMERICAN, 24 May 1850, EXAMINER, 29 May 1850, BATHURST COURIER, 31 May 1850; BRITISH WHIG, 27 May 1850, BRITISH COLONIST, 28 May 1850, HAMILTON SPECTATOR, 29 May 1850, MONTREAL TRANSCRIPT, 30 May 1850; PILOT, 30 May 1850, PACKET, 8 June 1850; L'AVENIR, 8 June 1850, and LA MINERVE, 31 May 1850. The debate was also reported by: MORNING CHRONICLE, 29 May 1850, copied from MONTREAL TRANSCRIPT; MONTREAL GAZETTE, 30 May 1850; ST. CATHARINES JOURNAL, 30 May 1850; and BATHURST COURIER, 31 May 1850. A commentary appeared in MONTREAL GAZETTE, 30 May 1850.
2. GLOBE, 25 May 1850.
3. HAMILTON SPECTATOR, 29 May 1850.
4. BRITISH COLONIST, 24 May 1850.
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199. BATHURST COURIER, 31 May 1850.
200. HAMILTON SPECTATOR, 29 May 1850. The GLOBE, 25 May 1850, added: "The details ... were at once highly edifying and amusing, and ... lost nothing by the manner in which they were related."
201. BATHURST COURIER, 31 May 1850.
202. IBID.
203. GLOBE, 25 May 1850.
204. HAMILTON SPECTATOR, 29 May 1850.
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330. GLOBE, 25 May 1850.



- 331. MORNING CHRONICLE, 29 May 1850.
- 332. GLOBE, 25 May 1850.
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- 362. LA MINERVE, 31 May 1850.
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- 682. KENT ADVERTISER, 30 May 1850, which noted that: "the house had been in session for 11½ hours, when an agreement was entered into that the question should be taken up at ten o'clock on Monday next; and then to be finally decided."

THURSDAY, 23 MAY 1850.

(18)

Leave of  
absence.

ORDERED, That Mr. Polette have leave to absent himself from this House, during a fortnight, on urgent private business.

On motion of the Honorable Mr. Attorney General Baldwin, seconded by the Honorable Mr. Attorney General LaFontaine,

Adjournment.

Resolved, That To-morrow being the day appointed for the celebration of Her Majesty's Birthday, this House when it doth adjourn this day, will adjourn until Monday next.

MR. AT. GEN. BALDWIN said, ... that he supposed that hon. members, would meet together on Friday for the purpose of attending the funeral of the late Honorable Mr. Sherwood.<sup>1</sup>

(18)

Speech further  
considered.

The Order of the day being read, for resuming the adjourned Debate upon the Amendment which was yesterday proposed to be made to the Question, That an humble Address be presented to His Excellency the Governor General, thanking His Excellency for his gracious Speech from the Throne at the opening of the present Session of Parliament:

To assure His Excellency that this House cordially unites with him in deeply regretting the death of the Queen Dowager, a Princess whose many virtues endeared

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her to all classes of Her Majesty's subjects:

That the occurrences of the past year, and the necessity which had arisen for providing suitable accommodation for Parliament while in Session, having imposed on His Excellency the duty of considering during the Recess, the important subject contained in the Address of this House of last Session, relating to the places for holding the future meetings of the Legislature, His Excellency in giving effect to the prayer of that Address by summoning Parliament to meet at this place, has given additional proof of his desire to meet the wishes of the People, as expressed through their Representatives:

That this House trusts with His Excellency, that the important changes recently made in the Imperial Navigation Laws, and the improvements effected in the Provincial Canals, will tend to promote materially the commercial interests of the Province, and to attract to the route of the St. Lawrence, a considerable portion of the Emigration from Europe to this Continent:

That it affords this House much gratification to learn from His Excellency that recent advices from England indicate a marked improvement in the value of Canadian Securities in the British market, and they assure His Excellency that nothing shall be wanting on their part which may have a tendency to encourage such reviving confidence:

That this House is fully sensible of the great importance to these Colonies of placing the Trade between the British North American Provinces on the most unrestricted footing, and they rejoice to learn that His Excellency has, during the Recess, been in communication with the Lieutenant Governors of Nova Scotia, New Brunswick, and Prince Edward Island, and with the Governor of Newfoundland, upon this subject, and to assure His Excellency that they are fully prepared to place such powers in the hands of the Executive Government as may enable it to meet the advances of the Sister Colonies in a liberal spirit:

That this House is pleased to learn that a measure for the establishment of free trade between Canada and the United States in certain articles the natural products of each, corresponding to that passed by the Legislature of this Province at its last Session on the same subject, is now under the consideration of the Congress of

that country:

That this House is glad to learn that by an Act passed during the last Session of the Imperial Parliament, the entire control of the internal Posts in British North America is vested in the Provincial Authorities, and they are prepared to take such further action on this subject as may be necessary in order to secure for the inhabitants of this Province, the benefit of a cheap and uniform postage rate:

That the expediency of effecting an encrease in the Parliamentary Representation of the Province shall not fail again to engage their attention:

That this House will give its best attention to any measure that may be submitted for its consideration, founded on the Report of the Commissioners appointed to enquire into the conduct, discipline and management of the Provincial Penitentiary, and they feel that the increasing wealth and population of the Province, and the growing aversion to Capital Punishment, render it highly important that the system of discipline established in that Institution, and in the Gaols, should be made as far as possible effectual for the prevention of crime and the reformation of offenders:

That they will be happy to receive the communications from Her Majesty's Commissioners for the promotion of the Exhibition of the Works of Industry of all Nations, to be held in London, in 1851, transmitted to His Excellency through Her Majesty's Secretary of State for the Colonies, and they feel the fullest confidence that the hope expressed by His Excellency that Canadian industry and produce will be fittingly represented on that occasion, will not be disappointed:

That this House is happy to find that the practice and proceedings in the Court of Chancery in Upper Canada have been placed upon an improved footing, calculated to facilitate the business of the Court and lessen expense to suitors:

To assure His Excellency that they will not fail to take into their most deliberate consideration, as of analogous, and perhaps even equal importance, the jurisdiction and practice of the Inferior Courts in that part of the Province, with a view to the extension of their sphere of usefulness, and the lessening as much as possible the expense of litigation:

That the regulation of Municipalities, and the construction of Gaols and Court Houses in Lower Canada, and the laws for the selection and return of Jurors, and those for the Assessment of property for local purposes in Upper Canada, shall also engage their best attention:

That this House will not fail to give their most careful consideration to the Accounts of the past, and the Estimates for the present year, whenever they shall be transmitted to them by His Excellency:

That this House receives with peculiar satisfaction the recommendation of His Excellency to direct their attention to an enquiry into the Revenue and Expenditure of the Province, and trust that the consideration of this important subject thus introduced under the highest sanction, will not fail to be attended with beneficial results, as well in dispelling illusory expectations, as in leading to the adoption of every practicable retrenchment that the efficiency of the public service will permit:

To assure His Excellency that he may fully rely on the readiness of this House to grant the necessary Supplies for the public service, and for the maintenance of the Provincial credit, than which they feel no duty connected with the discharge of their legislative functions to be more sacred:

That this House fully concurs with His Excellency that in the exercise of the Prerogative with which he is entrusted, it was his duty to mark Her Majesty's disapprobation of the course taken by persons holding Commissions at the pleasure of the Crown, who formally avowed the desire to bring about the separation of this Province from the Empire of which it is a part:

To assure His Excellency that the views put forward by such persons, and by those who act with them, do not find favor with any considerable portion of Her Majesty's Canadian subjects:

That the great majority of the people of the Province have, on the contrary,



given at this conjuncture proofs, not to be mistaken, of loyalty to the Queen, and attachment to the connection with Great Britain: they look to their own Parliament for the redress of grievances which may be proved to exist, and for the adoption of such measures of improvement as may be calculated to promote their happiness and prosperity; and the confidence placed by them in the wisdom of Parliament will, this House is assured, be fully justified. While dealing unsparingly with abuses, they will not barter away for novelties, rights dear to British subjects, nor abandon those principles of good faith, morality and constitutional freedom, the strict adherence to which has enabled Great Britain, with God's blessing, to pass unscathed through many perils;

And which Amendment was, That all the words after "effecting" in the ninth paragraph, to the end of the said paragraph, be left out, and the words, "a gradual increase in the Parliamentary Representation of the Province according to population,

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and upon a more extended franchise, shall not fail to engage their attention, as well as the extension of the elective principle to the Legislative Council, which this House observes with great satisfaction has lately been recommended by Her Majesty's Government to the Imperial Parliament, while framing a new Constitution for one of the sister Colonies," added instead thereof;

And the Question on the Amendment being again proposed:--The House resumed the said adjourned Debate.<sup>2</sup>

COL. PRINCE spoke for nearly two hours<sup>3</sup>. ((He)) said it was not his intention to have spoken; but as he had the misfortune to rise before the hon. member for Norfolk came in, he would say something in support of the amendment. The subject of it related to the propriety of having an Elective Legislative Council; and he would call upon the premier to support the amendment, as he had declared himself in favor of an Elective Council by<sup>4</sup> having supported, in former days, the 92 resolutions with "his influence, his eloquence, and his pen"<sup>5</sup>. If he (Mr. Lafontaine) should vote against it, he would act inconsistently.<sup>6</sup> None knew better than the Attorney General East the necessity of an elective Legislative Council, although, perhaps he would not think it policy to vote in its favour just at present.<sup>7</sup> He said it was not just that the executive should have so much control over the House by swamping it with their friends whenever they saw fit.<sup>8</sup> But the hon. gentleman would be in office long enough to do so some other time, for he freely confessed he had no objection to ministers remaining in, for he did not see enough talent on his (Col. Prince's) side of the House to<sup>9</sup> think, they only were competent to form a good Ministry. As for himself, nobody ever thought of consulting him in such matters--he was a loose fish, and only fit to be roasted. He had great difficulty in seeing how the public business could be conducted, if the present Ministry were to resign--a general election might make a difference; but at present he could not see his way. His opposition was, therefore, not dictated by a desire to eject them, but simply, because they had acted wrongly, corruptly, unjustly and despotically.<sup>10</sup> Of all the speeches made, none were (sic) half so good as that made last night by the hon. member for Montreal. He (Col. P.) had seen the Attorney General West wince under that speech, and, for the first time in his life, he had seen him (Mr. Baldwin) lose his temper. It showed that the Attorney-General West felt the honest truth of the member for Montreal; for alluding to the treatment Mr. McPherson had met at the Colonial Office, to which he had gone armed with a letter of introduction to Earl Grey<sup>11</sup>. He proceeded to vindicate Mr. MacPherson from the breach of confidence charged against him. He declared Earl Grey's despatch was a disgrace to that nobleman--that he knew nothing of law or of the colonies--and he defied him to carry out his threat of bringing the annexationists to account.<sup>12</sup> He proclaimed this from his place in Parliament, and, for the second time during the session, he defied the Attorney-General to prosecute any one for signing the Annexation manifesto.<sup>13</sup> Mr. Prince said, Mr. Murdoch, under secretary in the Colonial Office, had once told him that the Canadians had too high notions, and if they continued to act so, England would

give them up! To which he (Mr. Prince) replied, that it was the best thing which could happen to them. The ignorance of the Colonial Office, of Canadian affairs, was the next theme of ... observation, and the present chief of the department was declared to know less about us than the King of the Cannibal Islands.<sup>14</sup> He did not give in to the Americans; he did not admit that there was more industry or enterprise there than here; but the difference was, that they were well rewarded, whereas, the more persons expended here the worse it was for them. The member for Montreal, yesterday, did not shirk the Annexation question, but advocated it manfully; and it must be remembered that he (Mr. H.) was the representative of the interests of the mercantile city of Montreal--he was the representative of the commercial interests of the country in this House.<sup>15</sup> He said the speech of ... (Mr. Holmes) had convinced him that under altered circumstances (that is, when Great Britain gave up Canada) annexation would be beneficial to Canada.<sup>16</sup> Another member (Mr. DeWitt), the representative of the bankers' interests, had also spoken out boldly in favor of annexation. Then the representative of the agriculturists, the member for Sherbrooke, had also ably advocated the same views. The late member for Sherbrooke had been called upon by a large number of his constituents to give his opinions on the subject of Annexation. He had complied with their request; and for doing this he had been dismissed from the commission of the peace. Was he (Col. P.) to be called to account by Lord Elgin for expressing opinions on questions on which his constituents had asked him for an expression of his sentiments? He had repeatedly said that these dismissals were unconstitutional. He (Col. P.) had been held forth in the newspapers as a person who had been dismissed, when the truth was, he had resigned his office long ago. Such conduct towards him on the part of the Ministry was mean and personal.<sup>17</sup> He said, the letter he had addressed to Mr. Rankin, was not his own design--he had published it at the request of a numerous body of the electors of Essex. He declared it was contrary to his nature to be in public life--against his inclination, his habits, and his means; and he would resign his seat tomorrow, if 150 of the electors of the County of Essex called on him to do so on the ground of his annexation principles, or on any other ground! ... The fact was, he expected very little from the present House of Assembly<sup>18</sup>, who had acted corruptly and tyrannically<sup>19</sup>. His opinion of members was very low--"as the Americans say, I have a very mean opinion of this House." He knew he exposed himself to attacks from both sides for speaking thus, but he stood there the same John Prince as ever--the independent member for Essex--and he said he had a very low opinion of this House<sup>20</sup>. He would tell why he had a mean opinion of this House. It was because they rejected a petition<sup>21</sup> for independence<sup>22</sup> the other day, and voted against the introduction of Mr. Boulton's<sup>23</sup> Court of Chancery<sup>24</sup> bill. The course pursued with regard to the petition he regarded as unconstitutional. With regard to Chancery rules, he believed he should be able to show, when they came before the House, that, instead of diminishing, the costs would vastly increase. He had been told so<sup>25</sup> that very day<sup>26</sup>, by an eminent Chancery practitioner in this city.<sup>27</sup>

MR. COM. CR. LANDS PRICE, pointedly:--hear! hear! hear!<sup>28</sup>

COL. PRINCE--I drew this, as my own conclusions, from what passed between us--<sup>29</sup>

MR. COM. CR. LANDS PRICE--Name, name!<sup>30</sup>

COL. PRINCE--I am not at liberty to name--<sup>31</sup>

MR. COM. CR. LANDS PRICE--Hear, hear, hear!<sup>32</sup>

COL. PRINCE--But I say at once, it was not Mr. Robert Turner. I got my information not from a solicitor--but one who had it from a solicitor in chancery. (Sensation, and cries of hear, hear, hear.) He would like to know why the Hon. Commissioner of Crown Lands was so anxious to know the name; was it to get him into the power of the Ministry? He knew they were mean enough to dismiss a shoe-black; and he himself had struck out the names of two lawyers from the independence petition, simply, because they were a little--just a very little--in the power of the Ministry.



Why had they not named Mr. Thomas Dixon's accusers, when they were so fond of names? Why?--because<sup>33</sup> if they had been named, Mr. Dixon would probably have been able to show that they were<sup>34</sup> "a pack of vagabonds, a set of black guards, utterly unfit or unworthy to be credited."<sup>35</sup>

Sensation on both sides of the House, and COL. PRINCE hacked engine.<sup>36</sup>

COL. PRINCE continued: Of course, he spoke hypothetically--he knew not who were Mr. Dixon's accusers--but the refusal of their names to Mr. Dixon, prevented his showing the true characters of his accusers, whoever they were. The Hon. member then fell foul of the Pilot for some statement about himself<sup>37</sup> that Col. Prince had come down here with a French Canadian,<sup>38</sup> which appeared in that Journal, and pronounced it a "lying paper," with a "lying editor," whoever he was.<sup>39</sup> The insinuation was, that he (Col. P.) had seduced one of his constituents to come down here to canvass the French members on the subject of Annexation. The statement was altogether false. It was lamentable to see the Press injure itself by such statements.<sup>40</sup> The public morals were utterly prostrated by lying editors. Why would they calumniate in this way a man who desired to do the best he could for his country--why publish such stuff? He appealed to Mr. Cauchon to confirm what he had said as to the statement of the Pilot. It was lamentable to see such things. He saw the Inspector-General laughed--he, too, had suffered<sup>41</sup> a good deal by libels of this kind.<sup>42</sup> For his (Mr. Prince's) part, he cared nothing about it. Thank God, his skin was as thick as a Rhinoceros' hide; had it not been so, he would have been crushed long ago--but he had moral courage to bear it all. It was the feeble who suffered by the lies of the papers--the sleepless nights were for them. He saw the Inspector-General was laughing, and delighted to think that there was a row established--but he was mistaken.<sup>43</sup> The hon. member for Lincoln, who was elected by acclamation the other day, was right when he stated that the question of Annexation was not to be trampled down. The country was rife on the question, and it would be seen at the next election who were in favor of the measures now advocated. The Ministry knew nothing of the feeling of the frontier population, and the people were afraid to express their opinions on account of the tyranny exercised towards those who did so.<sup>44</sup> Il dit qu'il avait reçu une pétition signée de trois-cent personnes en faveur de l'indépendance, mais qu'il ne la présenterait pas. L'annexion n'est pas à mépriser, dit-il;--si l'hon. membre pour Lincoln était à sa place, j'en appellerais à lui pour prouver que, il y a quatre ans passés, je lui ai dit précisément les mêmes choses que j'ai publiées dans ma lettre à M.A. Rankin.<sup>45</sup> He was not saying one word in favor of rebellion, either in public or private; and sooner than raise an arm against his sovereign, he would submit to have his legs and arms cut off. He would lift up his voice, and if necessary his arm, against that tyranny (sic) that would deprive the subject of those rights secured to him by the Bill of Rights--the right to petition Parliament for the redress of real or supposed grievances.<sup>46</sup> He was opposed to any change without the consent of the Parliaments of England and Canada.<sup>47</sup>

MR. BADGLEY addressed the House, relative in the first place, to the removal of the Seat of Government from Montreal, subsequent to the close of the last Session, which he concluded was unnecessary and uncalled for, as means would have readily have been offered to enable the government to fit up a place for the reception of both Houses of Parliament at no great expense; and he condemned the conduct of the government for having allowed excesses to continue unchecked, and large bodies of men to perambulate the streets, without availing itself of the facilities it possessed, to put down the proceedings of the mob with the strong hand of power.<sup>48</sup> If the government had had any moral courage, they would have put down the few boys who had created the disturbance.<sup>49</sup> There was nothing to justify the removal of the Seat of Government, he repeated, or to sustain the reasons that had been advanced in the speech, delivered at the opening of the present Session. With reference to the subject of annexation, no argument had been advanced in its favour, which had satis-



fied his mind that any good results could be produced by the accomplishment of that object. It was true that individuals of eminent standing, had signed the Montreal Manifesto, many of his dearest friends, from whom he differed, took a similar view of the question. He considered it an insane project without the consent of Great Britain; and unless she were desirous of throwing off the Colonies. But he entertained different sentiments relative to the criminality of the movement, from those advanced by gentlemen on the other side of the House.<sup>50</sup> But if there was treason or sedition in the addresses they had issued<sup>51</sup> then a precedent had been furnished by the Memorial of the Board of Trade of Montreal in '48, which was at that time transmitted to the Governor General, to which an answer was communicated through one of the ministers, in no wise condemnatory of that document; if there were treason or sedition, therefore, contained in the petition in favour of a separation of Canada from the Mother Country, then the Memorial of the Board of Trade referred to partook in the same improper character; and His Excellency should not have allowed it to be sent home. It spoke of the altered policy of England towards the Colonies, and the changes in the navigation laws of the country; and alluded to annexation to the United States, as the only remedy for the commercial difficulties which had in this way been introduced. There was consequently a perfect resemblance between the petition, and the memorial which had been laid before the Governor General; and the answer that had been communicated to those who signed it was that it would be forwarded to England,<sup>52</sup> to the Colonial Secretary, who had sent a reply<sup>53</sup>, and ((it was)) laid before Her Majesty; and it was so forwarded. As to the nature of its reception he knew nothing, except what he collected from a speech of Mr. Labouchere, one of the members of the British Government, in the House of Commons, in which it was stated that the exclusive navigation of the St. Lawrence was essential to Great Britain. This was the first state paper, therefore, in which the question of annexation was broached. He repeated, that he was not favourable to annexation, and saw no possible advantage that could result to Canada from the severing of its connexion with the Parent State, and which was at present politically free. He would more particularly allude to the subject, to show the inconsistency of the members of the present government, in the conduct they had pursued on this occasion. Every English paper at one time exhibited a list of dismissals of persons holding situations under the Crown--and he would venture to say, that her Majesty did not possess men who were more loved than those who had been dismissed--none who had done more for the colony. The member from Montreal had held a commission as colonel of militia and justice of the peace, he was a merchant of the first standing and respectability in trade, and he had been dismissed because he had given his opinion openly and freely. There were among the lists, the names of gentlemen who stood equally high for loyalty and good feeling. There was another gentleman who had attracted the censure of the government, who was the first to introduce steam into the Province, by which he ... lost a considerable sum of money; and although he suffered in this manner, in trying the experiment, yet he persevered after others had abandoned it, and realised a fortune. By his energy and enterprise that gentleman had set an example, which had been productive of much benefit to the Province; and where was there a man to be found, who had spent more money in useful undertakings than Mr. Molson. Even some of the present members of Government, when not in power, looked on annexation in a different light. There was a paper published in this Province in 1839, with which the present Inspector General was connected, who was exceedingly intimate with, and no doubt, at the time reflected the opinions and views of the Attorney General of Upper Canada; and what opinion did that gentleman, (the Inspector General,) entertain at that time of annexation, and with reference to its discussion? Did he then consider such a proceeding as treasonable or seditious? He (Mr. B.) would give his own words. (The learned gentleman here read an extract from the paper alluded to,<sup>54</sup> in which it was stated that a rumour was abroad, that Mr. Ryerson was to commence the advocacy (sic) of separation, and admitting that Mr. Ryerson would have a constitutional right to discuss the question just as O'Connell had a right to advocate the repeal of the union.)<sup>55</sup> Here then was the opinion of the hon. gentlemen op-

posite, when not in office. If, however, the agitating the question at the present day, was decided to be<sup>56</sup> treasonable, seditious or wrong<sup>57</sup>, the government should have nipt (sic) the evil in the bud; and by not doing it then, ministers were wrong in the course they afterwards pursued. But if it were right to discuss the subject of 1839, why is it not so at the present time, particularly when it was intended to procure annexation without Her Majesty's sanction. The London Times, the hon. gentleman said, had stated in an article which he read, that the proposition contained in the Montreal Memorial went to effect the destruction, rather than the dissolution of the colonial empire of Great Britain; that it argued from incorrect premises, and proceeded to deduce erroneous conclusions; that its framers were not actuated by any hostility towards the crown or people of England, but suggest annexation from motives of self-interest and advancement. The ... that there was ... the enunciation of such sentiments, would have rendered the parties uttering them, liable to prosecution for high treason, or involved the country in which they were uttered in a civil war, but that a great alteration had of late taken place; and the only question with the people of England would be, were it profitable to retain the Colonies. Twenty years since, Mr. B. continued, Mr. Canning had said that England was bringing up colonies in this hemisphere, which would eventually become portions of the United States; and other statesmen had made the same remark. Where, he (Mr. B.) would ask, was the colony that retained its connection with the parent state, and did not go off when it was old enough to go alone? The same remark would apply in domestic life; children, when of age break away from their parents, and seek by their own independent and individual exertions, their future advancement. And so it would always be with Colonies, when they arrive at maturity. He (Mr. B.) did not think the desire for annexation, which had been promulgated at Montreal, was making any progress throughout the Province; and that was another reason why he considered the interference of the government as improper; but they waited from October, when an interference would have been an act of wisdom perhaps, till the following February, at which time the question was losing its interest, and the feeling in its favour was evidently subsiding; when they began striking from the Commission of the Peace and from the Militia, a number of gentlemen; and they were thus brought into collision with public sentiment. The hon. and learned gentleman said, he was not disposed to give a factious opposition to the administration; he was conservative in his principles; but he would support them in the endeavour to introduce good and wholesome measures, and would oppose them in any course they were pursuing, which he deemed wrong or improper. That was what he did with reference to the Indemnity Bill, and were the subject again under discussion in that House, his opposition would be double what it was. The Judicature Bill, he did not consider a good one; and cheerfully lent his assistance, so far as it was practicable, to improve it. A word or two more as to the annexation movement. If the question was one that should be open for discussion, as it had been considered in former times, then he thought the government were wrong in interfering. In Lower Canada the dismissals which had taken place had produced bad results; although they were occasioned by more than a mere expression of opinion.--As for himself, the hon. gentleman repeated, that he still thought as he always had done, that the government, instead of soothing the public mind and rendering the people loyal, had acted in a manner that had been productive of personal animosities, which would last as long as the individuals should live. As to the consideration of the amendment, relative to an elective Council, he should not enter upon that subject until it came in a substantive form before the House, but with which he did not concur. He believed that in Lower Canada, the introduction of the elective principle, in relation to the Legislative Council, would be generally acceptable; and in Upper Canada a great many persons had formed the same opinion, who did not see how the present constitution is to be worked out, unless that body were to be elective; and who thought that if it were necessary to have a conservative body, it should be constituted as is the Senate of the United States, which has among its members some of the most eminent and influential men in the Union, and which gave stability to the institutions of



the country. Here at present, he said, the Legislative Council must be considered as the mouth-piece of the ministry.<sup>58</sup> He then read from Lord Brougham's speech an extract condemnatory of the late appointments to the Legislative Council for the purpose of carrying the Inedmnity (sic) bill<sup>59</sup>, in which his Lordship stated that they, the Council, were drilled to act as the ministry commanded. If there were to be but one expression of opinion in the framing of laws, let the expression go at once from the House, not pass through so foul and fetid a tube as the Legislative Council, as it was at present constituted.<sup>60</sup> He thought it would give a stability to the Upper House. At present it was nothing more than a mere mouth piece of the ministry.<sup>61</sup> He then read from the manifesto of the Committee of Reform and Progress in Lower Canada just previous to the last election, which manifesto Lafontaine was understood to sanction. From the sentiments in that document he argued that the ministry stood convicted by their own admissions and statements in the matter of the annexation dismissals.<sup>62</sup> With reference to retrenchment, which would form another portion of the address; the speech itself, as well as the resolutions before the house, only refer to the revenue and expenditure of the Province; but the amendment goes farther, and embraces retrenchment in carrying on the public service of the country. He presumed, however, that the government would do whatever was right and proper, and consistent with a due regard to the efficiency of that service. He considered £350,000 too large a charge for a Province containing only 1,500,000 inhabitants; and that £250,000 was too much to be divided among some 1150 individuals. The learned gentleman concluded by saying that the members of the administration, by their own acts and admissions, stood indicted before the country, because they had not made offences caused by their acts, the subject of public prosecution, as they ought to have done.<sup>63</sup>

MR. PAPINEAU, for a period of two hours and a half, spoke<sup>64</sup>. Mr. Papineau said, the question of an Elective Legislative Council was not new to the country; it was a subject by which the Province had been agitated for years, and it was one most dear to his heart, as being eminently necessary to secure good government; without which a stop could not be put to all kinds of abuse. The present body had been made the subject of all kinds of ridicule<sup>65</sup>. The ministry might change the spirit of the Legislative Council by thrusting into it twelve members at once, and argue that it was then all right, though it had not been changed in principle at all<sup>66</sup>, and responsible government instead of rendering the Administration liberal, had made it still more obstructive than it was before. On what principle did honourable gentlemen opposite object to the consideration of annexation, and repel principles of which they were formerly the advocates? England, he said, was not jealous of her Colonies; whatever it was right they should obtain, they could obtain; but yet the House and the country were told that the time had not yet come for considering such a change. It was odious and absurd to suppose that the Legislative Council is analogous to the House of Lords in Great Britain; on the contrary the former body is composed of members not possessing the least<sup>67</sup> education ... ((or)) political capacity<sup>68</sup>, and were called to take their seats because they possess political power; it is sufficient if they are time-serving politicians. They did not even require the pecuniary qualification, which is requisite in the Assembly; and yet it was not permitted to propose alterations in the constitution of either body, or to attend to the wishes of the people. The qualification which a member of the House must possess, excluded enlightened persons, such as physicians and educated men, who resided among and partook of the feelings of the farmer; and substituted for them avaricious Attornies, who fleece their clients, and who exercise the most corrupt patronage. Formerly, he said, the Executive Council cost the country annually £900; now it costs £15,000. Was the Province fifteen times better off than before?<sup>69</sup> To the proposal contained in the amendment to render the Council elective, the only objection and answer was, you have got responsible government don't ask anything more.<sup>70</sup> The proposal to have responsible government, had created expectations that had been disappointed. This was evident with reference to the acts of the government; the mem-



bers of which had made themselves as well known, and who could appear on the page of history in the same category with Castlereagh, upon whom no dependence could be placed; who had made Ireland subservient to England, and which had been degraded by her dominion. The country ought to get rid of this state of things, and have elective institutions. The hon. gentleman here recapitulated his charges contained in a former speech, as to the vengeful character he attributed to the present Administration<sup>71</sup>. He denounced the Attornies-General as murderers in their hearts<sup>72</sup>, panting for the life blood of their opponents<sup>73</sup>. They had desired to prosecute for high treason, those engaged in the affairs of the 25th of April, 1849. It was because the Attornies-General were where they ought not to be.<sup>74</sup> By selecting Judges, removing them from one court to another,<sup>75</sup> influencing ... Sheriffs<sup>76</sup>, and by the selection of juries, they had the power and also the will, but they wanted the courage to crush their opponents. A monstrous danger rendered more so from the accumulation in a few hands of so much political power.<sup>77</sup> Men, who would afford indiscriminate support to a Governor, rather than surrender office.<sup>78</sup> Had the Attorneys-General acted for the good of the country, they would have divested themselves of their political power or appointed others to discharge their duties of Attorneys General, and retained the political power. If they had taken this course they would have done themselves honor. There was no necessity to have one of the ministers in this house if their presence was detrimental to its freedom of action.<sup>79</sup> The entire system he said was bad; as of twenty three gentlemen who had been connected with the Administration since responsible government had been introduced, twenty had received for themselves, permanently, good situations, and only three remained in reality, responsible to the people; while the others dare not face another election. Did the learned Attorney General not understand, what are the feelings entertained towards him in Montreal?<sup>80</sup> The election of Mr. Holmes to the municipality of Montreal was a virtual rejection of Mr. Lafontaine who could not now be said to represent the city.<sup>81</sup> The member who has recently been returned, comes here as an advocate for annexation, and from his commercial position possesses the confidence of the people of that city at large whose influence derived from trade had procured the signatures of 1,200 persons to the Montreal memorial, while that which was opposed to it, had but an insignificant number.<sup>82</sup> Did ministers think that the changes in their opinions and conduct had no effect in other parts of the country? The opposition of the ministry to all good measures would produce such a general discontent with our present system of government, that power was placed in the very hands where he wished to see it remain during the present Parliament.<sup>83</sup> The Attorney General had said that an elective Legislative Council would become equally Conservative with the present; that out of the materials thus placed at its command, the government of the day would create a body to suit its views, and that the power would remain where it is at present vested. His assertion only went to prove, that those who now possess such power, would violate every constitutional principle to retain it, and who<sup>84</sup> à une élection de Montréal, du temps de lord Sydenham<sup>85</sup> brought men to the polls armed with clubs, for the purpose of influencing the electors.<sup>86</sup>

MR. AT. GEN. LAFONTAINE: What the hon. gentleman says is not true.<sup>87</sup>

MR. PAPINEAU continued, he was out of the country, when the circumstance referred to, was stated to have taken place;<sup>88</sup> mais son autorité est la rumeur publique<sup>89</sup>. He had been informed that the St. Patrick's Society came to the election armed with clubs. He Mr. P. cared not from whom such support came; such interfering with the rights of electors was wrong and improper; and as is the case in England, should disqualify the member who resorted to it from retaining his seat in the Assembly.<sup>90</sup> The present Ministry, he contended,<sup>91</sup> for their outrageous loyalty was outdoing the most extravagant loyalists of former times. He disapproved of much of the doings of the League but it had at least this merit that it advocated elective institutions<sup>92</sup>. The British Parliament, he said, legislated at a distance, and could not be expected to understand the wants and the requirements of a colony; where people should be permitted to meet in convention and to form for themselves

such a constitution as suited their views; many of whom came from England<sup>93</sup>. It was just that person who had just come from England should love the institutions of the land of their birth; those institutions from which the freest government in the world has sprung. But those institutions were not adapted for the condition of this country. The mode of appointing the Legislative Council<sup>94</sup>, ((and)) Responsible Government would answer,<sup>95</sup> if the government were administered by angels; but he had yet seen no man in the Government fit to work this system.<sup>96</sup> When conducted by persons such as had been selected for that office in this Province, it could only be productive of misery.<sup>97</sup> Worse than the dismissal made by the Government, were many of the new appointments. It had been stated but right that one man convicted of forgery had been appointed magistrate under the present system. There must be means of securing a majority, and these are the means made use of in the localities.<sup>98</sup> He looked upon it only as a bar to the entrance of the strictly scrupulous and honest man, whilst those of another class were enabled to take a seat and if they felt so disposed to form the majority in it. It answered no good purpose, and could be easily evaded, for a man who was in reality in possession of landed property, at the day of his election, might, if he were so disposed, sell it immediately after he had taken his seat. If the hon. member for Rouville were in his seat--<sup>99</sup>

DR. DAVIGNON.--He is.<sup>100</sup>

MR. PAPINEAU continued--He would then put to him the following question:--That hon. gentleman had in his possession at the time of his election a large amount of landed property, but as he (Mr. P.) had been informed, the hon. gentleman had since sold it. Now if that were the case, he would like to ask that hon. gentleman whether he could conscientiously sit in that house, and vote upon a landed qualification which was not in his possession? The hon. gentleman might be a richer man than he was before. He might have thousands of pounds invested in bank stock, but that would not affect the question of a landed qualification.<sup>101</sup>

DR. DAVIGNON would inform the hon. gentleman, that although he did not profess to be a rich man, he now held more landed property than he did before. (Hear, hear.)<sup>102</sup>

MR. PAPINEAU was glad to hear it, as it always afforded him pleasure to know that any person was prospering, and because it would still enable the hon. gentleman to retain his seat in that House<sup>103</sup>, and had only adverted to the matter to illustrate the inconsistency of the property qualification.<sup>104</sup> He contended that the principle was bad in every way, and the sooner it was abolished the better<sup>105</sup>. The day would come when these colonies would be prosperous and happy, that time would commence with the annexation of the United States. The proof of the excellency of the American constitution was that they (sic) were based on the assumption, that all men are rational beings. He referred to Montesquieu, born a noble, who had many years ago lauded the British constitution. But though it might have been good for the people of England, at that day, it was no proof that it was suited to our condition at the present day.<sup>106</sup> The great evil of our system of government was that the antiquated systems of England and other countries, founded upon the wisdom of our ancestors, should be held sacred, and inviolable, whereas on the south side of Ontario, by paying proper respect to the mind which God has given to man, they have discovered and established the truth, that man should legislate according to the exigencies and emergencies of the day in which he lived; and no generation has the right to impose its creed or its dicta on that which succeeds it. And what was the consequence? Why, that if any portion of the body politic were dissatisfied with an established rule, they did not tear the Government down, but they waited patiently until the next convention, because they knew that they had the remedy with their power. With respect to the Legislative Council, he looked upon it as an impediment to the progressive advancement of the country. It had lost the confidence of the country, for it was under the controul, complete and absolute, of the Ministry.



They had shown in what manner it might be rendered subservient to their views and their interests, and he hoped that they would retain office till they had drank down to the last drop, the shame and the degradation (sic) which their conduct would most certainly bring on them. Every day furnished fresh proofs of their complete incapacity for the situation they held.<sup>107</sup> It was the boast of the Attorney General, East, during the last Session, that he had such influence in the councils of his country, that he could secure the removal of the Seat of Government from Montreal.<sup>108</sup> They had but recently appointed, as President of the Executive, a member of the Legislative Council--a man without influence--unknown in public life, and without the slightest acquaintance with Parliamentary law or practice. Nor was it surprising for the Attorney General East, although a<sup>109</sup> respectable man and a good civil lawyer,<sup>110</sup> and having a fair practice at the Bar, had never made Parliamentary law his study--(hear, hear),--and was utterly incapable and unworthy of the great trust reposed in him.<sup>111</sup>

Ironical cheers from the ministerial benches.<sup>112</sup>

MR. PAPINEAU continued: Yet he was the man who would not admit the equality of another's intellect, and expected and demanded the most absolute<sup>113</sup> submissive, crouching<sup>114</sup> servility from all around him, not merely from the Cabinet, but from the entire House. He expected that the majority at his command should support him in every measure he proposed and certainly he had no reason to complain<sup>115</sup> excepting ((for)) the hon. member for Terrebonne, who had the courage to resist, and would not submit to dictation. Mr. Papineau proceeded to notice the hesitation of the Ministry, to communicate the Government State Secrets, which the house was entitled to know. He could understand how in an independent country, there could be state secrets, but in our case, the thing is an utter absurdity. He accused the Government of not being sincere in their professed desire for an increase in the representation. They would probably introduce a bill--a dishonest bill--knowing it would not pass. They had not the data on which to base a sound representation bill which should be based upon population.<sup>116</sup> (Mr. P.) had looked in vain for that party he wished to see in the House. Nor could he find it in any of the classifications made by the jobbers who write for newspapers. He meant the honest party--(hear--the independent party--hear, hear)--who would not support or oppose a measure, because it was introduced by the men in office, or the men out of office, but would consider it with regard solely to its merits, and pass or reject it on that ground alone.<sup>117</sup> Tories, Ministerialists, Clear Grits,--who were silent when they ought to give explanations--all seemed bent upon forming a Ministry, and upon that only. But no party could form a new Ministry unless they, as the first step, requested the Governor General to retire from power, because he failed to command the confidence of the country; and demanded the repeal of the Union as the curse and the fetters of the two Provinces.<sup>118</sup> After those observations, he would say that he was glad to see an hon. member of the experience, honesty and talent of the ... Honorable Member for Norfolk, propose such an amendment, as it must command respect on account of his birth, and on account of his education, which caused him ever to cherish and defend his rights as an Englishman.<sup>119</sup> He paid a very eloquent tribute to the great men of England<sup>120</sup>. He loved England, because he had been from his youth up imbued with her literature, her history, ... the knowledge of her institutions<sup>121</sup>, her great actions, and spoke of the kindness he had received from Englishmen in England and in Paris, and how much he valued those friendships; but he could not fail to learn, from history and experience, the unsuitableness of her institutions to this colony.<sup>122</sup> He ... loved England ...--but he loved freedom more; and it was on that account, and not from any sentiment of hatred or hostility to England, that he attempted to free himself from the misrule, that existed under the system her Durhams and Sydenhams had inflicted on the Province. And the most effective means that he saw of doing that, was to obtain the establishment of the elective system in this colony, as she had granted it to her other colonies.<sup>123</sup> It was not the altered commercial policy that weighed much with him in advocating elective institutions.<sup>124</sup> He had early studied the constitutions of the different colonies, and the manner



in which these institutions worked, he had invariably found, that where the elective system had been granted to any particular colony, it increased steadily in wealth and population, and was never subject to those insults, to which the colonies with royal Charters were constantly subjected. An instance of which was related in the paper of that morning, which stated that the Governor of Prince Edward Island had the impudence to dismiss the Legislature, because they had refused to grant the supplies after being only a fortnight in Session.<sup>125</sup> That was an example of what Governors had been and would be.<sup>126</sup> What else could be expected from the men who were sent out here as Governors. They came out filled with the utmost contempt for the people whom they were to govern, and with a desire to impose on their minds with show and glitter, and in return were met with the most disgusting adulation, only after they had been in the country a few months, when their false position naturally brought them into contact with the people, and adulation was converted into the bitterest reproaches and abuse.<sup>127</sup> As it was admitted that this colony was, one day or other, to become independent; but only at some future time--he supposed it must be in the decrees of Providence that there should be some thirty or forty more Governors. If so, the sooner they followed one another the better, that the series might be quickly over. In the meantime, all the "cooing" and the "booing" which used to be done in the ante-Chambers of the Governor, was now done in those of the Ministers, especially of the Attorney Generals.<sup>128</sup> It was because elective institutions would put an end to all this that he loved the system of the neighboring nation and hated the present. The hon. gentleman argued at length against the system of responsible government, and in favor of republican institutions. He referred to the time when the people of Lower Canada were unanimous in favor of free institutions, and charged the present dreaded state of opinion--the opposition to the School Law, the Municipal Bill, good laws in themselves--as the result of the present system. The honesty of the representatives was universally suspected.<sup>129</sup> The Hon. gentleman concluded by saying; that the only mode by which relief could be obtained from the numerous evils with which Responsible Government afflicted the Province, was to be found in the amendment before the House.<sup>130</sup>

M. CAUCHON.--M. l'Orateur, je sens que je ne me lève pas dans une circonstance ordinaire pour parler, mon caractère ayant été attaqué d'une manière<sup>131</sup> most wanton and injurious<sup>132</sup> par un membre de cette chambre. En venant ici, cette session, j'ai pris la ferme détermination, quelque fussent mes torts ou ceux des autres sous ce rapport dans le passé, de n'attaquer personne personnellement, et de jeter dans un oubli complet toutes les acrimonies de la lutte, tous les différents individuels pour travailler de concert avec mes collègues dans une harmonie parfaite à la législation du pays. Je ne voulais pas, je ne veux pas, à l'avenir, être l'agresseur contre qui que ce soit. Mais en prenant la détermination de me tenir sur la défensive, j'ai aussi pris cette autre bien arrêtée de me défendre avec toute l'énergie dont je suis capable<sup>133</sup> and show that the assailing was not actuated so much by a desire for the public good as by personal considerations. He therefore hoped the House would pardon him, and he believed he would be able to show in the most convincing manner, that the hon. member for St. Maurice--who not content with an attack on him, spared no one in that House--but accused hon. members either of subserviency, or of a desire to tyrannize, had viewed public questions only a few years ago in a very different light, and he would then leave it to them to judge, whether the charge he had brought against the Ministry of being influenced by personal motives was not misplaced, and whether it would not tell with greater effect against himself. And when that hon. gentleman and other hon. gentlemen referred to the ... of the country was jeopardized, when the Government had to guard against the tumults that had been excited, by incessant agitation and misrepresentation; when it had to deal with the hatred of men, who had been excited to madness for the purpose of overthrowing the institutions of the country, when they had to fear the most frightful of all evils--a civil war, for the purpose of raking up charges and accusations against the Government; he would say let the Government throw itself--not upon the

mercy of the House, but upon the justice of the House, and they might confidently await the result. At the same time, he was surprised that such references should be made by any honourable member, for he had hoped, that when that time was passed, its unhappy incidents would be forgotten, and that honourable members would come here prepared--not to revive a remembrance of them--but to promote and carry out such measures as would prevent their return.<sup>134</sup> On ne pardonnera ... si, ayant à parler dans une langue étrangère, je ne le fais pas avec toute la correction et toute l'aisance dont je voudrais être capable.

Laissez-moi maintenant entrer en matière.<sup>135</sup> The hon'ble gentleman then touched briefly upon the different topics mentioned during the course of this debate.<sup>136</sup>

Son Excellence le gouverneur-général nous dit que les événements de l'année dernière, et la nécessité survenue de préparer un local convenable, pour recevoir les chambres, lui ayant imposé le devoir de considérer, pendant la vacance, le sujet important contenu dans l'adresse de la chambre d'assemblée de la dernière session, concernant les localités où la législature devait siéger à l'avenir, il a jugé, après mûre délibération, qu'il était à propos de donner effet au contenu de cette adresse, en nous appelant ici."

Le gouverneur-général ayant changé le siège des chambres et du gouvernement, il devait nécessairement donner les motifs de sa démarche. Mais au-delà, on ne devait pas faire allusion aux événements malheureux de 1849. A la place de ministère, je ne prendrais pas la peine pour répondre à d'injustes accusations, d'entrer dans les détails de ces événements, et des actes du gouvernement durant cette époque tristement mémorable. Il avait à transiger avec tous les éléments possibles de discorde et d'anarchie, l'élément politique, l'élément national et l'élément religieux; avec les passions et les préjugés surexcités par les discours violents des chefs; avec la haine d'hommes, qui ne voulaient renverser les institutions du pays, que pour monter au pouvoir; avec le plus terrible de tous les maux, la guerre civile. Si j'étais le gouvernement, je dirais: Nous avons fait tout ce que nous avons cru bon dans les pénibles circonstances où nous nous sommes trouvés, nous nous adressons maintenant, non pas à votre miséricorde, mais à votre justice, et après cela je garderais le silence. (Très bien!)

Je suis surpris que des députés se plaisent à raviver le souvenir de ces tristes événements, car j'espérais qu'on passerait l'éponge sur le passé, quelque'il fût, et qu'on viendrait à cette chambre avec la détermination, en le faisant oublier, de travailler uniquement aux grandes mesures d'intérêt public. (Ecoutez.)

Son Excellence nous dit que les "changements importants récemment survenus dans la loi impériale qui règle la navigation, et les améliorations faites à nos canaux principaux, doivent tendre essentiellement à avancer les intérêts commerciaux de la province et à faire passer par la voie du St. Laurent, une portion considérable de l'émigration européenne à ce continent."

J'ai visité l'année dernière les travaux publics du Haut-Canada, et particulièrement le canal Welland; l'impression qui m'est restée de ces travaux gigantesques, c'est qu'ils sont l'ouvrage le plus magnifique et le plus colossal qui soit sorti de la main des hommes<sup>137</sup> and reflected infinite credit on that administration, which finding the Province almost bankrupt, and obliged to struggle with the greatest difficulties, had finally triumphed over them all, redeemed the public credit and honour, and left those great canals as a monument of their ability and Industry.<sup>138</sup>

Je les ai contemplés dans l'admiration. Dans les assemblées publiques où j'ai eu l'honneur de parler dans le Haut-Canada, j'ai dit combien j'étais convaincu de l'utilité de ces canaux, mais j'ai dit en même temps que si j'avais contemplé dans l'étonnement la chute de Niagara, cette grande merveille du monde, je ne l'aurais pas moins admiré et l'aurais mieux aimé au fond du Lac Supérieur, parce que, placée là, elle nous eut épargné une dépense d'un million et demi de louis. Quoiqu'on fasse pour faire passer le commerce de transit par une autre voie, il faut qu'il vienne au St. Laurent. On ne peut lutter longtemps contre les lois de la nature et elle finit toujours par suivre sa pente et par atteindre son but. (Très bien.) Par tout ce qui se passe actuellement aux Etats-Unis, il y a tout lieu de croire que



nous aurons la réciprocité commerciale avec ce pays, et que le congrès, embarrassé aujourd'hui dans de graves questions intérieures, finira par la passer. Cette question intéresse tout le Canada, mais plus particulièrement le Haut-Canada.<sup>139</sup> But he believed that too much importance was attached to that Bill. Canada alone would not benefit by it. The people of the States themselves would derive some share of good from it, and even if it were rejected, we would not necessarily be ruined,<sup>140</sup> et tout le monde admet aujourd'hui ce fait constant que si nous devons être privés de la réciprocité, nous aurons certainement comme compensation et comme plus que compensation, la plus grande partie du commerce de l'ouest. Aujourd'hui on admet que la voie la plus courte, la plus expéditive et la moins chère pour les produits de l'ouest est la voie du St. Laurent.

Je n'ai que peu de chose à dire sur la question des postes.<sup>141</sup> He would content himself with saying that in giving up the management of that important department to the Colonies, the Imperial Government had given another proof of its willingness to leave in our hands the entire control of our internal affairs.<sup>142</sup> Je ne sais pas si une nouvelle législation coloniale est nécessaire pour rencontrer les exigences de la loi impériale; mais si elle l'est, je ne doute pas que l'administration ne soit prête à nous la soumettre dans le cours de cette session.

Le gouverneur-général nous dit que "la question de la représentation devra probablement, durant cette session, engager de nouveau notre attention." Personne peut-être n'a plus écrit que moi sur cette importante question. J'ai maintenu la justice<sup>143</sup> propriety and necessity of the measure introduced by the hon. Attorney General East during the last session; he contended that it was founded on the strictest principles of justice,<sup>144</sup> ainsi que le fait l'acte d'union,<sup>145</sup> as the increase was divided equally between the two sections of the Province, and was absolutely necessary for the exigencies of the people. Convinced himself of the justice of that Bill, it was with the greatest astonishment, he had seen hon. members vote against it, who had always proclaimed their anxiety for a full representation.<sup>146</sup> Jamais avant l'élection de Québec de 1848, on n'avait parlé d'asservir la représentation sur une autre base que celle du partage égal entre les deux provinces. J'ai donc vu avec étonnement des personnes prétendre que le manifeste du comité de la réforme et du progrès de Québec demande la représentation basée sur la population. Telle ne fut jamais l'intention primitive des auteurs du manifeste. Ce manifeste est assis entièrement sur une résolution adoptée à une assemblée des citoyens de Québec; laquelle résolution est, mot pour mot, la copie du préambule d'un bill introduit par M. Aylwin en 1846. Si on niait la vérité de ce fait, j'ai le moyen de le constater incontestablement. (Ecoutez.)

Son Excellence fait encore allusion à la cour de chancellerie. On a beaucoup crié contre cette cour depuis le commencement de cette session et les membres du Bas-Canada ont été accusés de voter sur un sujet qu'ils ne comprenaient pas et d'imposer à la majorité Haut-Canadienne une mesure qu'elle répudie. Il est vrai que je comprends peu cette question; mais, outre que ce n'est pas aujourd'hui le tems (sic) de la discuter et de la décider,<sup>147</sup> he thought the taunt was very much misplaced, for<sup>148</sup> si je regarde à la liste des votes, j'ai la consolation de trouver que dix-sept voix Haut-Canadiennes se sont prononcées pour et seulement douze contre la cour de chancellerie.<sup>149</sup> It was not his desire to vote on any question which he did not understand, or<sup>150</sup> quand j'aurai à prononcer sur des mesures qui intéresseront essentiellement le Haut-Canada, je ne le ferai, ainsi que mes collègues, soyen-en (sic) sûrs, qu'après avoir entendu suffisamment les opinions de part et d'autre;<sup>151</sup> lest he might mistake the principles on which it was founded--but<sup>152</sup> après la discussion,<sup>153</sup> admitting that he did not fully understand a question under debate,<sup>154</sup> en supposant toutes choses égales d'ailleurs, c'est-à-dire, l'intégrité et la conviction chez tout le monde<sup>155</sup>, would he not be justified in acting with the first men of the country; men whose ability and merit were universally acknowledged? In such a case he thought he might be allowed to form an opinion from the course they adopted, without being subjected to such taunts as had been made on this occasion.<sup>156</sup> Dans tous les cas, n'ayez pas de crainte, les



députés du Bas-Canada voteront toujours suivant leur conscience.

Les municipalités<sup>157</sup> with respect to the Minicipal Bill and the School Bill,<sup>158</sup> devront aussi attirer l'attention des chambres.<sup>159</sup> He hoped that they would be placed on a permanent footing this session<sup>160</sup>.

Rien n'est plus désirable dans l'état actuel du pays qu'une bonne loi de municipalité et de voirie; mais je demande que cette loi soit bonne et méditée avec soin, afin qu'on ne sente pas le besoin, à une session prochaine, de la changer et de la morceler. Le plus grand mal de la législation, suivant moi, est son instabilité, et à cette instabilité sont dûs en grande partie les tristes événements que l'on déplore aujourd'hui. Cette variabilité est due, on le sait, à la volonté du dehors. Les députés sont soumis plus ou moins à cette pression<sup>161</sup> frequently inconsiderate<sup>162</sup>, de l'extérieur qui réagit dans l'enceinte législative. Cela prouve que, quelque soit l'excellence du système électif, il a ses désavantages.

Loin de la repousser, on doit recevoir, avec plaisir la proposition du gouvernement de soumettre à un comité spécial les dépenses des différens (sic) départements publics. L'administration ne fait que suivre l'exemple du gouvernement impérial qui proposa la création d'un pareil comité, lorsque se fit entendre un grand cri d'économie. Ce comité sera indubitablement composé des chefs de tous les partis; et lorsque ces travaux seront complétés, on verra jusqu'où l'économie est possible. Voici ma part, je ne crois pas qu'on puisse la pousser jusqu'où la veulent certaines personnes, sans entraver l'action du gouvernement et conséquemment sans nuire au service public. Je ne veux pas aller jusque-là. Je désire faire cesser toute dépense inutile et ai la confiance que le gouvernement est prêt à rencontrer la chambre sur ce terrain; je lui donnerai mon appui contre toute prétention qui irait au delà. (Très bien.)

J'ai entendu émettre sur la question des subsides une opinion qui ne m'a pas surpris, mais qui, j'en suis convaincu, ne sera pas acceptée par la chambre. Le droit à la chambre de refuser les subsides est incontestable; c'est le contrôle constitutionnel que le peuple exerce sur le gouvernement; mais c'est aussi un des engins les plus dangereux que l'on puisse mettre en action.<sup>163</sup> It was a power that could not be used rashly or systematically without bringing great evils in its train. Hon. members need not look far for an instance of the truth of that assertion; for if they would look at the state of Lower Canada previous to the union, they would agree with him, that it was cursed more by the adoption of that system of stopping the supplies, than any other country on the face of the earth. The entire Province was thrown into confusion. The Government was obliged to struggle against almost insuperable difficulties. The public officers were unpaid,<sup>164</sup> et souffraient presque de la faim<sup>165</sup>, and finally, the English Government was obliged to interfere, and absolutely encroach on the rights of the people, for the purpose of restoring order. Such was the result of that system, and he would say, he did not care whether he blamed his friends or his opponents, that it was destructive of the best interests of their country. Let hon. members look at its effect in England, during the reign of King George the Third<sup>166</sup>. George III ne voulant pas accepter les élus de la nation avait placé à la tête de son gouvernement un jeune homme de 26 ans, qui fut plus tard un grand homme d'état, mais qui alors n'avait ni l'habileté, ni l'expérience requise, ni la confiance du pays. Le parti Whig irrité de cette conduite contre la volonté de leur chef illustre M. Fox refusa les subsides. Quel fut le résultat de cette démarche? L'opinion publique se tourna<sup>167</sup> immediately<sup>168</sup> contre les Whigs, on les accusa, pour satisfaire leur ambition personnelle, d'arrêter la marche du gouvernement et de la chose publique, et courbés sous le poids de l'indignation générale, ils furent pendant 17 ans exclus du pouvoir.<sup>169</sup> That was the result in England. In Lower Canada, it resulted in the destruction of the constitution.<sup>170</sup> (Ecoutez.)

Quelques membres se sont plaint de la conduite du gouvernement à l'égard des magistrats et des officiers de milice qui ont signé le manifeste de l'annexion. Nul n'est plus opposé que moi à l'exercice extrême du pouvoir; mais je ne crois pas que ceux qui ont déclaré vouloir se soustraire à leur allégeance aient droit de se

plaindre si on les a démis. Je ne veux pas prendre, à l'égard des annexionnistes actuellement une autre position que celle-ci. Je suppose que je suis le pouvoir; je leur dis donc: "Si vous voulez vous soustraire à notre autorité, pour rechercher une union avec un pouvoir étranger, nous ne pouvons plus avoir confiance en vous et nous n'avons plus besoin de vos services." Assurément qu'on ne peut pas blâmer un gouvernement de congédier ses officiers qui déclarent vouloir se soustraire à son allégeance pour en accepter une autre. C'est le moindre mal que puisse leur arriver. Comme je viens de le dire, je ne veux pas prendre vis-à-vis d'eux une autre position que celle-là pour le moment. Je ne discute donc pas leurs opinions. Ces opinions je les ai combattues en dehors de la chambre et les combattrai dans cette enceinte, si plus tard elles sont soumises à la discussion. A l'heure qu'il est, je ne veux que démontrer l'impossibilité où je trouvais le gouvernement de laisser aux annexionnistes des places de confiance. Si les honorables députés de Sherbrooke et de Montréal avaient considéré la question sous le même point de vue que moi, on ne les aurait pas entendus se plaindre de ces démissions. (Très bien.)

On a beaucoup parlé d'institutions électives. Personne ne désire plus que moi, n'est disposé à donner au peuple tout le pouvoir dont il a besoin pour se bien gouverner. Personne ne conteste plus ce principe, devenu aujourd'hui un axiome, que les gouvernements sont établis pour le bien-être public, et que, pour atteindre ce but, ils doivent être adaptés aux<sup>171</sup> ((the)) wants and wishes<sup>172</sup> des peuples. Rien n'est absolu en fait de gouvernement; le meilleur est celui qui s'accorde le mieux avec les moeurs, les habitudes et les institutions d'un peuple. Quand on sortira des moeurs, des instincts et des institutions d'un peuple pour lui bâtir une constitution, on manquera invariablement son but. Les améliorations dans les institutions d'un pays ne peuvent être que progressives, et vouloir les faire trop précipitamment, c'est s'exposer à faire des ruines.

Je ne vois pas pourquoi cette chambre appelée ici pour un tout autre objet, passerait un temps précieux à proclamer des principes abstraits. Je ne vois pas non plus le besoin de se trop hâter. Si le principe électif doit être établi dans toutes les branches de la législature, ne convient-il pas de mûrir d'abord ses conditions d'existence? Ne convient-il pas aussi de consulter le peuple sur ses désirs avant de lui donner une constitution? Pour ma part, je ne suis pas opposé à l'éligibilité pour le conseil législatif. Mais on ne doit pas oublier que le Conseil Législatif électif, dans les conditions actuelles de la constitution, n'est pas sujet aux mêmes objections que le conseil législatif du Bas-Canada.<sup>173</sup> That was framed by the Governor, or rather by the people round the Governor, and<sup>174</sup> fut invariablement placé comme écran entre les gouverneurs et le peuple, et empêcha constamment la volonté du dernier d'arriver jusqu'au premier. Cet état de choses n'existe plus. Le conseil législatif actuel, quel qu'il soit, n'est plus un obstacle à l'avancement de la chose publique. Appelez-le, si vous voulez une nullité, (je ne dis pas, moi, que c'est une nullité) mais vous ne pouvez plus l'appeler une nuisance. Si cependant, après avoir consulté la volonté du peuple aux hustings, vous voulez changer la nature de cette branche de la législature, réfléchissez sérieusement sur la nature et les bases essentielles à donner au nouveau conseil législatif. (écoutez, écoutez.)

Avant de demander un conseil législatif électif, peut-être conviendrait-il de se demander si une seule chambre élective ne pourrait pas tenir lieu des deux chambres actuelles. Je comprends bien pourquoi deux chambres sont nécessaires pour le gouvernement général aux Etats-Unis. M. Odilon Barrot en se prononçant pour deux chambres dans la discussion sur la constitution française à l'assemblée nationale, disait: On comprend bien pourquoi deux chambres sont nécessaires à la constitution fédérative de l'union américaine." Il n'a pas développé cette pensée, s'il l'eût fait, il me semble qu'il en serait venu à la conclusion qu'il ne fallait qu'une seule chambre pour la France, si l'on admet toutefois le principe électif pour toutes les branches de la législation.

Il y a deux éléments en action dans la constitution fédérale des Etats-Unis, le nombre et les Etats. Si d'un côté le nombre doit être représenté dans la constitution, de l'autre n'est-il pas nécessaire que cette même constitution protège les Etats indépendants, les Etats faibles contre les envahissements des Etats plus



forts et plus peuplés. Mais j'avoue franchement que je n'ai jamais compris la nécessité des deux chambres dans les Etats isolés, si ce n'est pour augmenter la dépense du gouvernement.<sup>175</sup> He might possibly be wrong, and such an arrangement might be made, by giving the members of one House a higher qualification than to the other, or by electing the members of one House for a longer time than the members of the other, so as to produce a beneficial effect, but in his opinion, if the elective principle were to be thoroughly carried out, and the wishes of the people were to be immediately carried into effect, the most certain means of obtaining that object would be, to bring the representatives frequently into contact with the people, by electing them at short intervals, and having but one House, in which to carry out their views. That was the opinion he had formed of the mode of government best adapted to the wants of the people on this side of the Atlantic, as we do not possess the materials for embodying such aristocratic bodies as exist in the old European nations.<sup>176</sup> Dans les gouvernements dits monarchies constitutionnelles, la deuxième chambre représente l'élément conservateur. Ce n'est pas le motif qui a présidé à la constitution de l'union américaine comme je viens de le faire voir. Si donc vous faites disparaître la composition actuelle du conseil législatif, vous en faites disparaître en même temps l'élément conservateur. (écoutez, écoutez.) Lorsque vous voulez l'éligibilité pour le conseil législatif, votre but, sans doute, est de faire monter jusques-là la volonté populaire, vous voulez que l'impression du dehors réagisse à l'intérieur de cette chambre comme ici. Si le principe démocratique s'infiltré dans toutes les veines de la constitution, si par sa tendance, sans cesse progressive, il doit bientôt finir par être la loi universelle, à quoi vous servira cette seconde chambre élective, en supposant même que vous donniez d'autres qualifications à ses membres, et que chez elle l'élection se répète moins souvent que chez nous. Il arrivera qu'une chambre représentera l'opinion de l'extérieur, tandis que l'autre ne la représentera plus. On trouvera alors que cette seconde chambre est un obstacle, qu'elle ne reçoit pas l'impression du dehors, en un mot qu'elle n'est pas démocratique: on demandera à la modifier. C'est ainsi ce que l'on voit journellement dans les Etats de l'Union; chaque fois qu'ils revisent leur constitution, vous les voyez rapprocher les époques électorales pour les deux chambres. (Très bien.)

Ces idées, je ne les émet pas comme des opinions parfaitement assises, et si on me convainc que j'ai tort, je reviendrai facilement sur mes pas.<sup>177</sup> In connexion with this subject, the ninety-two resolutions, with which every one in Lower Canada was well acquainted, had been<sup>178</sup> jetées comme un reproche à la face de quelques uns de ceux qui forment aujourd'hui partie de l'administration.<sup>179</sup> It was true that one of them declared an Elective Council to be absolutely necessary, in order to secure good government in Canada, but, as had been already observed<sup>180</sup> il s'est opéré bien des changements depuis l'époque de ces résolutions, changements qui ont amené le gouvernement responsable au moyen duquel le peuple réagit directement sur le pouvoir, et l'influe dans le sens de sa volonté, la quarantième résolution de la même série ne dit-elle pas que si l'Angleterre ne veut pas nous donner au conseil électif, elle permette au moins au peuple de se former en convention et de suggérer les modifications qu'il jugera nécessaires à sa constitution. Et n'avez-vous pas tout récemment la déclaration des ministres dans le parlement impérial, que si vous voulez cette convention pour réviser votre acte constitutionnel, vous pouvez la former, et que vous pouvez dans le fait obtenir tous les changements que vous croyez nécessaires au bien-être et au bon gouvernement du pays. (Ecoutez, écoutez.)<sup>181</sup> In short, as they became fully convinced that they were in possession of the best Constitution that was ever granted to any colony. Still it should be remembered that the Cabinet had not pledged themselves to oppose a plan for an Elective Council, and he could not conceive why they were attacked with so much acrimony by the hon. member for St. Maurice.<sup>182</sup> D'être ennemis des institutions électives? Si ce n'est, peut-être, parcequ'il s'aperçoit que ce n'est pas à lui que le pays les devra. (Très bien.)

Personne n'est plus que ce député ennemi de la prérogative, et personne n'a plus



montré de désir tout récemment de l'anéantir, pour édifier sur ses ruines la volonté populaire.<sup>183</sup> But there was an old adage, tempora instantue, which he could prove to be peculiarly applicable to that hon. gentleman, and which, as had been shown, might also apply to the political condition of these colonies since 1837.<sup>184</sup> (Ecoutez, écoutez.)

Autrefois la volonté du peuple était foulée aux pieds, aujourd'hui l'élément populaire est triomphant, il est personnifié et réside dans l'administration qui est le produit de la volonté populaire. L'honorable député de Saint Maurice peut, tant qu'il le voudra, accuser de corruption le gouvernement et la chambre;<sup>185</sup> such idle assertions carried no weight with them<sup>186</sup>.

Qu'il prouve ses accusations, qu'il les fasse croire au pays et aussitôt adossé à l'opinion publique, qu'il déchire ce gouvernement, qu'il le brise, qu'il le foule aux pieds et qu'il prenne possession du pouvoir aux acclamations de tous. Avant de se plaindre du système actuel et de la tyrannie de l'administration, il aurait dû se rappeler que celle-ci n'existe que par la volonté de la représentation populaire, tandis qu'autrefois<sup>187</sup> in 1837,<sup>188</sup> l'administration était l'élément dont on se servait pour comprimer et pour entraver cette même représentation. Les maux dont il se plaint n'existent donc que dans son imagination surexcitée par le désappointement. (Très bien.)

N'est-il pas profondément ridicule d'entendre l'honorable député de St. Maurice dire avec assurance que nul des membres de cette chambre qui ne pense pas comme lui ne sera réélu. Tous les faits attestent que sa popularité, s'il lui en reste encore, arrive à sa fin, et cependant il la voit renaître et grandir dans son imagination. Il ressemble au consommateur. Vous demandez à celui-ci comment il se porte. La vie chez lui s'éteint graduellement. Chaque muscle, chaque nerf meure (sic) l'un après l'autre. Cependant il vous répond qu'il va mieux et que si seulement il peut arriver au printemps (sic) et marcher dans une atmosphère pure, il est sauvé. Le printemps (sic) il marche, il est vrai, où s'il ne marche pas d'autres le font pour lui, de sa demeure à sa tombe tel est l'état de l'honorable député de St. Maurice. Il est si plein de folles espérances qu'il ne voit pas qu'il marche à pas rapides vers l'extinction entière de sa vie politique. (Très bien.)

Rien ne prouve mieux ce que j'avance que le fait que les deux seules requêtes du comté de St. Maurice présentées à cette chambre, l'ont été, non pas par son député, mais l'une par le député des Trois-Rivières, et l'autre par le député de Berthier.<sup>189</sup> (Hear, hear.)<sup>190</sup> Avant donc de menacer les autres de la perte de leur siège, il aurait dû songer au danger qu'il court lui-même.<sup>191</sup> He (Mr. P.) had boasted of his influence, and of the confidence reposed in him by the people, because he was called upon to act as the representative of two counties. If ever that confidence had existed, it was now entirely lost, and he would do all ... made in this House, to take care that he did not lose his own. His influence however was never so great or so extensive as he wished to make hon. members believe. And to convince them that was the case, he would relate what happened at the last elections<sup>192</sup>, en 1848<sup>193</sup>. That hon. member went down to Quebec,<sup>194</sup> pour jeter le poids de cette influence dans la balance électorale contre le député ministériel M. Méthot.<sup>195</sup> Well, did he do so? No! They fought out the battle against him, and against his former influence, and his present influence, and beat him by a large majority, (hear, hear,) and to crown the victory they immediately afterwards received intelligence of his being beaten in another quarter.<sup>196</sup> (Ecoutez, écoutez.)<sup>197</sup> Would that fact sustain his boast of the confidence reposed in him by the public, or did it not rather show, that the public had their eyes opened to his real character; that he only desired power for his own ends; and that in order to obtain power, he was ready to commit every species of mischief, malign the characters of the most honorable men in the country, throw everything again into confusion, and if necessary destroy even the constitution. How could such a man possess

public confidence? How could any one suppose that the country would support a man who had thus shown his heart and his head to be equally bad?<sup>198</sup> (Ecoutez, écoutez.)

J'ai dit toute à l'heure, que les temps changeaient, je vais le prouver. Il y avait un homme dans le parlement du Bas-Canada distingué par son patriotisme, par l'excellence de ses principes et par de longs services rendus à son pays. Cet homme qui n'est plus était M. Boudages. Il prétendait que non seulement le Bas-Canada, en ayant reçu le pouvoir du parlement impérial, avait le droit exclusif de législater pour ses affaires intérieures; mais encore celui de pétitionner la législature et le gouvernement impérial pour demander le redressement de ses griefs. Mais il y avait en même temps dans la même chambre un autre homme qui pensait bien différemment, qui avait un respect pour la prorogative et l'autorité de l'empire, qu'il était disposé à leur sacrifier le droit le plus cher du sujet anglais, celui de pétition et de remontrance.

M. Bourdages proposait de résoudre, secondé par M. Louis Lagueux, qu'un comité de sept membres fut nommé pour préparer un projet d'adresse à Son Excellence le gouverneur en chef le priant de supplier Sa Majesté de recommander au parlement impérial de rappeler le statut de la troisième George Quatre, chapitre, 119 intitulé: "Acte pour régler le commerce des provinces du Haut et du Bas-Canada et pour d'autres objets relatifs à ces provinces," en autant que le dit acte contenait des dispositions contraires aux droits et aux intérêts de cette province, etc.

La chambre se divisa ainsi sur cette proposition:

Pour:--MM. Amiot, Proulx, Robitaille, Fortin, Bourdages, L. Lagueux, Arcand et Bureau.--8

Contre: MM. Papineau, Curvillier, Oldham, Neilson, Davidson, Panet, Clouet et Perrault--14.

Cette résolution pleine d'équité et de constitutionalité fut donc perdue par la voix du député de St. Maurice et de quelques autres.

M. Bourdages proposa ensuite de résoudre, secondé par M. L. Lagueux, "qu'un comité de sept membres fût nommé pour faire une enquête sur les avantages et les désavantages de l'action de la 3<sup>me</sup> George IV, chap. 119, cité dans la première résolution pour les droits et les intérêts de cette province (du Bas-Canada)."

Pour:--MM. E.C. Lagueux, Amiot, Clouet, J. Perrault, Fortin, Robitaille, Bourdages, L. Lagueux, Quironet, McCallum, Arcand, Bureau, Stuart et Proulx.--14.

Contre:--MM. Papineau, Cuvillier, Oldham, Duchesnois, Dessaulles, Neilson, Blanchet, Bélanger, Viger, Taschereau, Panet, Valois et Davidson.--13.

Cette fois M. Bourdages l'emporta sur le député de Saint Maurice, et la résolution passa dans l'affirmative.

Mais n'est-il pas essentiel de connaître les motifs de ce vote si étrange, lorsqu'on le compare à la conduite actuelle du député de Saint Maurice.--Voici comment il s'exprimait le 7 février 1824.

"Chaque membre de la chambre a le droit de soumettre à la considération de celle-ci ce qu'il croit devra conduire au bien-être public. L'hon. membre qui vient de proposer ces résolutions a fait usage de ce droit. Je suis convaincu de sa loyauté au souverain, de son attachement à son pays et de la droiture de ses vues. Il faut avoir une pareille conviction pour considérer avec indulgence les résolutions qu'il vient de soumettre à la chambre" ... (On rit.)

Considérer avec indulgence l'homme qui proclame constitutionnellement le droit de pétition. Comme les temps sont changés aujourd'hui, celui qui parlait ainsi en 1824 accueille avec indulgence et même avec indignation l'homme qui ne veut pas briser les liens de son allégeance (sic). (Ecoutez).

Laissez-moi continuer.

"Ces résolutions, suivant moi, contiennent des principes contraires à la loi." ... (écoutez.)

Quelle dégradante proposition dans la bouche d'un homme public! Quoi! c'est violer la loi que de prier respectueusement son souverain de changer une loi qui fait mal à son peuple qui est contraire à ses intérêts!

"Si nous pouvons donner des bornes à l'autorité souveraine de l'empire et censurer ses actes, je vois la fin prochaine de la connexion qui existe entre cette colonie et l'empire." (On rit)!

Alors il craignait en affirmant un principe juste voir se tromper les liens de son allégeance, aujourd'hui il veut les briser. (Ecoutez.)

"En Angleterre la plus libérale de toutes les nations européens (sic) à l'égard du système colonial, tous les hommes publics affirment la suprématie du parlement impérial sur les colonies, non seulement par rapport au commerce mais encore relativement à tout autre objet. Il est notoire que cette autorité s'exerce annuellement, et quand une colonie est nommée dans un acte du parlement impérial, il est de son devoir d'obéir."

Ainsi il affirmait ce principe non pas parce qu'il est intrinsèquement bon, mais par ce que des hommes publics anglais l'ont affirmé (rires et écoutez) et il admet l'autorité du parlement impérial sur les colonies, non pas parce que ce parlement exerce cette autorité. (Ecoutez.)

Chez les autres nations le même système prévaut à l'égard des colonies. Cependant les principes libéraux des temps modernes ont introduit de grandes améliorations (sic) dans la législation des mères-patries au sujet des colonies: il suffit de comparer les actes du parlement impérial avec ceux du même parlement d'une date plus moderne, pour s'apercevoir que l'Angleterre s'est tenue à cet égard au niveau des autres pays.

"Toutes les colonies au début ont besoin de la main protectrice de la métropole. Il semble naturel qu'elles soient gouvernées pour son avantage. Cependant l'opinion prévalente aujourd'hui est que plus les colonies sont riches et libres, mieux c'est pour la mère-patrie. Elles sont regardées comme portion de l'empire dont chaque partie contribue au bien-être du tout; et nous sommes heureux de vivre dans un temps où les notions (sic) étroites et pernicieuses du passé ont fait place à des notions plus concordantes avec le bien-être général.

"Rien n'est plus injustifiable ni moins maintenable que la proposition qu'on ne doit obéir qu'aux lois auxquelles nous avons consenti, en autant que le parlement impérial a constamment affirmé et exercé la suprématie de son autorité législative sur les colonies. Quand on demanda à Franklin, dont la mémoire est si justement révérée en Europe et en Amérique pour son attachement aux libertés publiques et l'appui qu'il a donné aux droits des colonies, s'il avait des doutes touchant l'autorité du parlement à ce sujet, il admit ce droit. Le parlement, au lieu de renoncer au droit de législater pour les colonies dans un cas quelconque, n'y a fait qu'une exception par l'acte de 1778 par rapport au droit de taxer. En nous accordant notre constitution on n'a pas dérogé de ce droit. Tous nos actes législatifs en contiennent la reconnaissance. On ne saurait entretenir un moment la pensée que, lorsque le parlement impérial juge nécessaire de déléguer à une colonie le pouvoir de législater pour les objets locaux, il a intention de se désister de la souveraineté de la surintendance législative de l'empire."

C'était donc un crime en 1821 d'affirmer qu'on ne doit être obligé qu'aux lois qu'on a faites soi-même; c'était donc un crime chez les colonies de prétendre qu'elles devaient avoir la législation et la direction exclusives de leurs affaires intérieures; il y a plus, c'est qu'elles devaient regarder comme un bonheur, cette législation impériale. (Ecoutez.)

Voilà donc ce que pensait loyalement un membre de cette chambre en 1824; voyons maintenant si les opinions changent avec les temps et lisons ce qu'il



disait à ses électeurs en 1827 précisément sur la même question, le Canada trade act, il est vrai qu'alors il se trouvait dans une toute autre position. Il était accusé par un adversaire, M. Peter McGill, d'avoir courbé la tête devant le pouvoir et soutenu un acte qui violait essentiellement la constitution du pays; il était donc obligé d'abandonner sa position de 1824 et plus encore de déclarer que ce qu'il avait dit alors il ne l'avait pas dit.

"Le Canada trade act" dit-il aux électeurs de Montréal le 11 août 1827, empiète sur nos droits, modifie injustement notre acte constitutionnel sans notre consentement. Cependant je refusai de me joindre à d'autres pour importer le parlement impérial de plaintes contre cette mesure, dans un temps où je sentais fortement et savais qu'elles seraient inefficaces, bien que je déclarai et je le déclare encore que je serai toujours prêt à réclamer quand je pressentirai l'ombre même d'un succès."<sup>199</sup>

M. CHRISTIE.--A quelle source puisez-vous ce que vous lisez?<sup>200</sup>

M. CAUCHON.--Je le prends dans un pamphlet imprimé par un homme, alors grand ami de l'honorable député de Saint Maurice, M. Ludger Duvernay; et le discours où je puise est accompagné d'une préface due à la plume d'un autre ami (M. Waller).<sup>201</sup>

M. PAPINEAU se lève et dit que l'hon. membre peut lire ces papiers, mais qu'ils n'empêcheront pas qu'il a été réélu (sic) par ses mêmes constituants comme représentant, et par la chambre, comme orateur, après avoir tenu cette conduite. "Ce sont là, dit-il, des tribunaux compétents à décider du mérite de ma conduite!"<sup>202</sup> ((He)) objected to the evidence of<sup>203</sup> des sources fausses.<sup>204</sup> As many official statements from the journals as could be quoted he would accept.<sup>205</sup>

M. CAUCHON.--Je comprends aujourd'hui que l'hon. député puisse avoir le courage de répudier son passé, quand ce passé est un démenti aussi sanglant à sa conduite présente, (écoutez); quand les citations que je viens de donner à la chambre prouvent que les opinions de cet homme qui insulte ses anciens collègues, en leur rappelant leurs opinions d'autrefois, ne sont pas immuables. Alors, comme on l'a vu, il admettait la nécessité de l'expédience; aujourd'hui il ne l'admet plus: "Périssent la patrie plutôt qu'un principe!" Il faut avec lui que le principe triomphe, ou que la patrie périsse. (Très bien.)

J'aime à faire remarquer que si j'ai rapproché les époques pour comparer les opinions opposées d'un homme sur les mêmes questions ce n'est pas pour les blâmer; mais uniquement pour faire comprendre que lorsqu'on est faillible soi-même, on devrait être moins sévère sur le compte d'autrui. (Ecoutez.)

Vous avez entendu ce même homme vous dire qu'il n'y a eu dans le pays que trois bons gouverneurs, Prévost, Sherbrooke et Kempt. Eh! bien, vous allez voir qu'il n'a pas toujours pensé de la même manière, sur au moins d'un de ces gouverneurs. Il disait, le 17 novembre 1835, s'exprimant sur la nécessité de nommer un agent auprès de l'Angleterre: "Nous voyons encore que trois de nos gouverneurs, lord Dalhousie, sir James Kempt et lord Aylmer n'ont pensé qu'à faire de l'argent, et nullement à l'amélioration et au bien-être du pays."

Mais dans sa liste des bons gouverneurs, il en a oublié un qui fût bon autrefois du moins, je veux parler de sir Francis Burton. Le député de St. Maurice disait dans un discours que je citais il y a quelques instants: "Peu après l'administration vertueuse et légale de sir Francis Burton devint de plus en plus populaire." L'hon. député me répondra peut-être que sir Francis Burton ne fût jamais que lieutenant-gouverneur (Mr. Papineau rit.) L'hon. député peut bien rire; mais il s'est chargé lui-même de faire la réponse à son rire négatif. N'a-t-il pas dit en effet en comparant la conduite de deux gouverneurs, pour blâmer l'un et louer l'autre: "Suivant le jugement du présent gouverneur (lord Dalhousie) le choix du pays pour le dernier parlement fut très-mauvais. Heureusement qu'il y a appel de son tribunal au vôtre; heureuse-

ment qu'une autorité égale à la sienne vous a dit que votre choix était très bon. J'oppose le jugement de l'un des gouverneurs à celui de l'autre, parce que la justice et l'urbanité avec lesquelles s'est conduit sir Francis Burton vis-à-vis de vos représentants, prouvent la considération et l'estime qu'il vous portait et la considération et l'estime que nous devons en retour avoir pour lui." (Ecoutez.)<sup>206</sup> Any change of opinions that would serve his object, any accusation, no matter how groundless, that would depreciate the character of his opponents, was immediately embraced and made use of.<sup>207</sup>

L'autre jour, il reprochait à l'hon. procureur-général du Bas-Canada, d'avoir abandonné le comté de Terrebonne pour la cité de Montréal, parce que député de Montréal est un titre qui sonne mieux aux oreilles des habitués de Downing Street.<sup>208</sup> The hon. member, in the wantonness of his attack, had apparently forgotten that he had himself acted in a similar manner,<sup>209</sup> qu'un jour il abandonna le comté Kent, aujourd'hui le comté de Richelieu, pour accepter ce même comté de Montréal, non pas probablement parce que cela sonnait mieux à Downing Street, mais de l'autre côté de la ligne 45. (Ecoutez.)<sup>210</sup> But he (Mr. C.) thought he had done enough to show the grounds on which the hon. member acted; that his present line of conduct, compared with that he formerly pursued, was extremely contradictory, and that he was not actuated by a love of the public good, but rather that he was governed by an inordinate love of power; and that finding himself neglected by the people who had discovered his real character, he would willingly overturn the existing order of things, provided he could establish himself on the ruins. The Speaker's chair was the same seductive bait to him that it had ever been; and anxious to grasp it, flattering himself with the return of all his former power at the next elections, he was blinded as to his real position.... No obstacle stood in the way of his return to power, but the present administration, and ... the next election would remove them; but the next election would have a very different result from what he anticipated; and if not before, he would then at least be thoroughly awakened to his real position.<sup>211</sup> (Très bien.)

J'espère qu'il me sera permis maintenant de parler d'un sujet qui m'est personnel et auquel j'ai fait allusion en commençant.<sup>212</sup> He had said it was not his intention to become the aggressor, or to indulge in personal recriminations; but although he had formed that resolution, hon. members would not expect him to sit patiently, and allow the grossest calumnies to be heaped upon him, without reply? He would therefore explain the circumstances which had been distorted to his disadvantage, and leave it to the House to decide whether there was any thing in them to justify the charge of criminal conduct. In 1848 a number of Apprenticed Pilots waited on him with a request that he would introduce a Bill, to enable them to practice their profession. A similar Bill had been introduced in 1843 by Mr. Aylwin,<sup>213</sup> comme membre du gouvernement; l'administration d'alors ayant résigné comme on le sait, le bill de la Trinité fut abandonné comme toutes les autres mesures du gouvernement. En 1845 la même corporation fit préparer un autre bill qui fut présenté par M. Smith, le procureur général d'alors et qui fut abandonné. Le bureau de la Trinité de Québec en fit préparer un troisième en 1846, qui fut également présenté et abandonné par M. Smith. Jusque là cette mesure avait été une mesure ministérielle.<sup>214</sup> Well, he prepared the Bill, consulted the administration on it, and it was passed into a law. It was true that it was in its tenor a public act, but it was framed particularly to suit the circumstance of these men, and he received £25 from them for drawing up the Bill.<sup>215</sup> Je n'en ai jamais fait un secret à personne.<sup>216</sup> He ought to have received £100, to remunerate him properly for his labour<sup>217</sup>, mais le prix ne change rien à ma position.<sup>218</sup> The hon. member for St. Maurice might tax him with being a poor lawyer, if he chose, but his Bill was before the public; it was open to criticism, and had been passed into a law, after the two other Bills on the same subject had been

abandoned. He had prepared the Bill, but had nothing else to do with it.--For as he had already observed, the ministry had taken it up. He had not voted on it.<sup>219</sup> Durant la session dernière, quand l'honorable procureur général proposa le deuxième lecture du bill en question, j'étais absent. Un membre se leva alors, le député de Gaspé et rapporta qu'il était bruit que j'avais été payé pour le rédiger. J'arrivai un instant après et témoignai le regret de ne m'être pas trouvé présent au moment de la 2ème lecture du bill pour dire ma position vis-à-vis de cette mesure, et exprimer qu'ayant été employé professionnellement à le rédiger, je voulais m'abstenir de voter. Le député qui avait provoqué l'explication se montra satisfait et dit même que j'avais droit de voter. Je le sais, lui répondis-je, mais je désire m'abstenir." La chambre accepta favorablement mon explication, et tout finit là. Pourquoi donc ce qui n'était pas un crime l'année dernière, le serait-il aujourd'hui. J'admets qu'il peut y avoir de l'inconvénient à faire ce que j'ai fait, mais crime jamais, (très bien.)

Ce que j'ai fait n'est pas nouveau, et se répète souvent en Angleterre; je pourrais même nommer des personnes honnêtes et intègres qui sont ou ont été membres de cette chambre, et qui se sont trouvées dans ma position. Je ne veux pas les nommer pour les soustraire à l'insulte et à l'appellation de corruption.

Le même député affirme qu'une cour de justice m'a stigmatisé comme corrupteur, précisément à cause de cette même mesure. La décision de la cour à laquelle il fait allusion, et qu'il travestit a rapport à un tout autre objet. Il y avait des apprentis pilotes qui l'étaient depuis 15 et 18 ans, parce que subséquemment à leur entrée en apprentissage le bureau de la Trinité<sup>220</sup> en 1836,<sup>221</sup> avait passé des règlements, les uns les obligeant de savoir lire, les autres de savoir écrire, d'autres enfin de savoir l'Arithmétique, et qu'à leur âge et dans les circonstances où ils se trouvaient, ils n'avaient pu apprendre. J'introduisis une petite loi en 1846, pour venir au devant de leur triste position; mais il se trouva que cette loi n'affectait que ceux qui étaient entrés en apprentissage avant 1836. Le procureur-général, le député de Missisquoi en introduisit un autre sous forme d'amendement en 1847; mais encore cette loi n'affectant que le cas de ceux qui étaient entrés en apprentissage entre 1836 et 1838.

Le dernier règlement de la Trinité affectant les apprentis-pilotes avait été passé en 1838 pour n'avoir effet qu'en 1840, mais il atteignait ceux qui étaient entrés en apprentissage entre 1838 et 1840. L'un de ceux qui se trouvaient dans ce dernier cas,<sup>222</sup> a man who was incapacitated to pass his examination,<sup>223</sup> le même que j'ai poursuivi depuis, vint me trouver me demandant si je voulais agir auprès de la Trinité pour lui faire avoir sa branche.<sup>224</sup> He (Mr. C.) promised to use every exertion in his power, but being well acquainted with the particular habits and modes of thinking of the class to which the man belonged,<sup>225</sup> connaissant ce à quoi je m'exposais si je ne prenais mes précautions, je lui fis donner un billet promissoire, devant être dû au moment de sa réception<sup>226</sup>, for an amount sufficient to remunerate him for the outlay and trouble to which he would be subjected.<sup>227</sup> Dans l'été de 1847 je me rendis à Montréal, pour engager l'exécutif à réagir sur le bureau de la Trinité en sa faveur et en faveur de deux autres; et<sup>228</sup> according to his agreement exerted every effort in the man's favour.<sup>229</sup> Je ne sais combien de fois je me suis rendu pour lui au bureau de la Trinité comme le prouvent les témoignages des officiers de ce bureau. Dans l'intervalle<sup>230</sup> the man studied, acquired a knowledge of arithmetic, and having qualified himself according to the requirements of the by-law, was passed.<sup>231</sup> Comme j'avais beaucoup travaillé et qu'il n'y avait pas entre nous la condition que mes services devaient infailliblement lui faire avoir sa branche, je le poursuivis pour le recouvrement du billet<sup>232</sup> and was met with the plea that he was not entitled to claim anything, as he



had agreed to get the defendant passed, contrary to the by-law, whereas he had passed under its operation. He (Mr. C.) was then put in the witness box, and having stated the case, the Judge decided<sup>233</sup> contre moi parce qu'il n'y avait pas considération lors du faire du billet, et que le défendeur devait sa branche à la vertu d'une loi (by law) et non à celle de mes efforts. Je n'ai jamais jusqu'ici attaqué les décisions des cours de justice quand elles étaient contre moi, parce que ces attaques sont un moyen d'enlever à la loi sa majesté et sa bénigne influence sur la société, et mon intention n'est pas de juger cette décision en particulier, bien qu'elle puisse me paraître et paraître injuste à d'autres;<sup>234</sup> but he could not help remarking that he had frequently thought the judgment to that case was not strictly according to law.<sup>235</sup> Mais parce que je n'aurai pas été heureux dans une poursuite, suis-je donc flétri, et suis-je donc à cause de de (sic) cela sujet à l'appellation de corruption? A ce compte il y en aurait beaucoup de flétris, beaucoup de corrompus.

Mais celui qui porte contre ses collègues la grave accusation de corruption, qui essaie d'imprimer la détrissure à leur caractère, ne devrait-il pas être par lui-même dans ses actes et dans sa conscience?<sup>236</sup> Could a single proof be brought, that it originated in anything else but malice. When one man charged another with misconduct, or with being influenced by personal considerations, he ought to be sure that he was himself free from imputation. It was not by those means, that he (Mr. P.) was going to regain his lost power. It was not by bringing false and malicious accusations that he was again to become the tyrant of that House. Where did there ever exist a greater tyrant than he had been? His presumption and his confidence had been unbounded.<sup>237</sup>

L'honorable député de St. Maurice disait l'autre jour que "les tyrans sont toujours lâches." Jamais il n'a dit une plus grande vérité, mais aussi jamais il n'a imprimé à son front un pareil stigmate, et il a sanctionné d'avance le jugement que portera de lui la postérité. Jamais en effet, lorsqu'il était au sommet du pouvoir et de l'affluence, homme ne fut plus tyran que lui.<sup>238</sup> Who had ever dared to contradict his sovereign will?<sup>239</sup> Si quelqu'un se levait dans l'enceinte législative pour exprimer humblement une opinion contraire à la sienne, il l'écrasait sans miséricorde du poids de sa parole et de ses insultes. Si quel-quelqu'un (sic) même, dans une chambre de comité ou aux coins des rues, avait osé émettre des sentimens (sic) qui ne fussent parfaitement concordants avec les siens, de suite il était désigné du doigt par le chef dévoué à l'exécration publique<sup>240</sup>, immediately arraigned, calumniated and punished?<sup>241</sup> Je ne sais pas si je me fusse soumis à une pareille tyrannie; je ne sais si je me fusse courbé en silence devant le Dieu d'alors<sup>242</sup>. He would have burst the bands, with which his companions had been shackled, for there was something in his breast that told him that he was a man--entitled to the rights of a man, and that to tyranny in whatever shape it came, he would never submit. But these times were past; and with them the power and the tyranny of that man were past.<sup>243</sup>

Ce même homme accuse les ministres d'avoir fui à Montréal devant la canaille et l'émeute. Rien ne leur était plus facile que de faire disparaître cette canaille sous le feu de la troupe;<sup>244</sup> that they had acted like cowards, although they had the troops at their command. Yes, it was true that the troops were at their command, and could have been used at any moment to crush the mob. But they were not the cowards that he represented, and had not called out the troops through motives of humanity, and from a fear of spilling blood, of which no one would have been more ready to accuse them than that hon. gentleman.<sup>245</sup> Ne les a-t-il pas accusés d'être meurtriers lors même qu'ils s'étaient laissés tuer pour ne pas surexciter les passions des partis, et de crainte de dépasser les limites de la constitution?<sup>246</sup> He (Mr. C.) was glad that they had left<sup>247</sup> Montréal, mais de l'établissement du nouveau système.<sup>248</sup> By doing so, they had punished its unruly citizens, and given the Lower Canadians an opportunity

of seeing and mingling with their brethren of the West, and promoting and encouraging that friendly intercourse, which ought to subsist between the inhabitants of the same province. He was glad of it, because he found that an injustice had been done to the people of Upper Canada. They had been represented to him as violent and brutal, and he had found the reverse.<sup>249</sup> Lorsque je montai ici pour la session<sup>250</sup>, he had been told that French Canadians would be subdued and knocked down with clubs in the Streets of Toronto<sup>251</sup>. Eh bien, voilà déjà deux semaines que nous sommes ici, et au lieu de bâton, nous n'y avons rencontré que l'hospitalité la plus cordiale. On me disait la même chose l'année dernière, lorsque<sup>252</sup> he had visited Upper Canada last summer; he had gone through the country; he had addressed public meetings in a language that he did not thoroughly understand; and instead of being treated with contumely, had received on every hand marks of regard and respect<sup>253</sup>, par les tories comme par les libéraux.<sup>254</sup> No person thought of insulting or molesting him; but on the contrary, men of all classes and parties told him that he was entitled to regard as a stranger, and that they desired to convince him that the violence of the people of Montreal, met with no sympathy from them. On that account he was pleased to see the Government in Upper Canada; they were not the cowards that the hon. gentleman represented. Cowardice had no share in inducing them to leave Montreal.<sup>255</sup> L'hon. député de St. Maurice a dit que "les tyrans sont toujours lâches;" j'ai prouvé qu'il était tyran quand il pouvait l'être, et tout le monde sait s'il a été lâche.<sup>256</sup> When he spoke of cowards, he should remember that he abandoned the people whom he led into a mortal struggle; when he spoke of the dragoons flying from Laprairie and Montreal, he should also remember, that he had fled from St. Denis. (Applause, in which the galleries joined<sup>257</sup>, en grande majorité tory.) M. l'orateur, je n'accepte pas ces applaudissements.

L'indépendance de la discussion veut que nous agissions comme si nous étions seuls, et si le public ne nous entendait pas. Je sais bien que ce n'est pas sa faute, s'il n'est pas brave, (on rit) que c'est la faute de sa nature. Mais lorsqu'on est ainsi constitué, il semble que l'on devrait moins prodiguer l'épithète de lâche à l'adresse d'autrui. Il nous peignait toute (sic) à l'heure avec délice la fuite, comme il l'appelle, de la cavalerie Fortin des quais de Montréal; ne devrait-il pas se rappeler plutôt sa fuite, à lui, précipitée de St. Denis vers St. Hyacinthe dans des accoutrements qui ne lui étaient pas ordinaires (très bien.)<sup>258</sup> He had committed a great fault, and which, he repeated, and would repeat again, had destroyed his hopes from the people for ever.<sup>259</sup>

Il avait été huit années sur la terre étrangère.<sup>260</sup> They had anxiously awaited his arrival in Canada.<sup>261</sup> Quand il revint, comme il avait occupé une éminente position dans la politique de son pays, on devait s'attendre qu'il dirait sa pensée sur la chose publique, et qu'il prendrait part avec ses amis dans la lutte contre une administration corrompue. Non, il garda le silence; il garda le silence tant que son frère et son cousin étaient au pouvoir; tant que son fils, un citoyen des Etats-Unis, ne fut pas placé dans la situation lucrative où il se trouve aujourd'hui, et à laquelle ses services négatifs ne lui ont jamais donné droit; il garda le silence quand les administrations<sup>262</sup> increased the salary of the Commissioner of Crown Lands from £800 to £1000 a year<sup>263</sup> ((et)) donnaient à son frère £1000 au lieu de £800 auxquels il avait droit, et cela pour trois années antérieures; c'était une corruption rétrospective. Mais quand il eut reçu £45000 d'un pouvoir corrompu et universellement détesté; quand son frère et son cousin en eurent été précipités par l'indignation publique, alors il leva la tête, et c'est alors qu'il lança son premier<sup>264</sup> circular or manifesto. Was that the kind of man that should set himself up as a judge of the motives and conduct of other hon. members? And on the very

first occasion that presented itself after the opening of the Session, bring charges and accusations against him--and not only against him, but against every member on his side of the House--when he must have seen, that at the time, there was a great disinclination to enter into discussion. Before sitting down, he would mention one extraordinary transaction in which that man had been engaged.<sup>265</sup> En 1845, la chambre avait voté une somme de £200, pour faire copier des documents historiques au profit de la société historique de Québec. Cette somme fut envoyée à l'hon. député de St. Maurice qui était alors à Paris.<sup>266</sup> Well would it be believed, that instead of applying the money to the purpose for which it had been entrusted to him, he spent £50, and retained the remaining £150, as he stated, towards the repayment of his salary.<sup>267</sup> Quand le gouvernement lui demanda la balance, il répondit le 27 juillet 1848, qu'il la retenait comme portion d'arrérages à lui dus par le gouvernement. C'est ainsi qu'il disposait un dépôt sacré qui lui était confié par la représentation de son pays pour un objet spécial et littéraire. Comment qualifierez-vous donc un pareil acte, (écoutez, écoutez,) et celui qui en est coupable a-t-il droit d'accuser les autres de corruption et de malhonnêteté?<sup>268</sup> He (Mr. C.) repeated that he came to the house with a determination not to engage in a personal controversy<sup>269</sup> que je déplore et que je regrette<sup>270</sup>, unless he were attacked but if he were so attacked to retaliate. He could not, therefore, be blamed for the course he had then been pursuing, or the principle upon which he had acted. He thought he had shown that the individual who had called forth his remarks, was not in a position to attack others with impunity, and for himself, he trusted he should not again have to reply to future personal allusions.<sup>271</sup>

DR. DAVIGNON made a few brief remarks, ... he approved of the course pursued by the government, in the recent dismissals; and protested against the remarks made by Mr. Papineau on a former occasion, attributing to the Speaker an ignorance of his duty, as to the reception of petitions.<sup>272</sup> Je suis surpris que l'hon. membre pour St. Maurice, au milieu de ses autres mesures, n'ait pas mentionné la question de la tenure seigneuriale. J'aurais été le premier à attaquer le discours sur ce chapitre, si le procureur-général ne m'avait pas fait la réponse qu'il m'a donnée dans une occasion précédente; mais je n'ai rien entendu à ce sujet de la part de l'hon. membre. Je remercie l'hon. membre pour Mégantic pour les remarques qu'il a bien voulu faire hier soir relativement aux membres du Bas-Canada; je vois une grande différence entre le ton de cet hon. membre et la virulence de l'hon. membre pour St. Maurice qui est indigne d'un Canadien-Français. N'est-il pas insolent de la part de l'hon. membre de dire que l'Orateur n'entend pas la loi du parlement?<sup>273</sup>

DR. LATERRIERE spoke in French, the first French speech during the Session.<sup>274</sup> J'ai voté pour les institutions électives depuis trente ans, en compagnie des hons. membres qui siègent (sic) sur les banquettes ministérielles, et pour ne pas être en contradiction avec moi-même, je voterai encore de même. Il est regrettable que le siège (sic) du gouvernement soit maintenant si loin<sup>275</sup> from homes of the members from Lower Canada, and ... he complained ... of the Union as a measure which would destroy French Canadian preponderance; but deprecated the attempt made to lead the country into the villainous road of Annexation--a road which, if followed out, would occasion the entire destruction of Canadian nationalité.<sup>276</sup> L'affaire ne doit pas être envisagée comme M. Papineau l'envisage. Il est regrettable que les débats se prolongent si longtemps dans la chambre, et il est à craindre que les dissensions politiques ne soient pour la province pires que le choléra ou le typhus, par ce (sic) qu'elles manacent (sic) d'être permanentes.

M. Laterrière se prononce en faveur d'un conseil législatif électif, contre l'union des Canadas et contre l'annexion prétendant que tous les habitants du Bas-Canada y sont opposés.<sup>277</sup>



MR. MCCONNELL rose, as he said, with more than usual embarrassment, as he had been passed up in the recent debate which had taken place. Four months since he had been called upon by<sup>278</sup> a number of his constituents to give an expression of his opinions on the subject of annexation<sup>279</sup>, and he had then frankly avowed his opinion in favour of the measure, if it could be accomplished with the consent of England, that opinion he still held, and would boldly state on the floor of that house; and even in the presence of his Queen he would do the same; whose integrity and greatness of mind, which her countenance exhibited in the picture of her Majesty suspended opposite but convinced him that a respectful expression of his sentiments would not be deemed offensive. Before he alluded to the subject under debate, he would make a few remarks relative to what had fallen from the hon. and gallant member from Sherbrooke. He was not surprised, he said, at the view taken of Annexation by that gentleman; but he (Mr. McC) regretted that he had not stopped there; but had described those who had signed the address, in that part of the Province which he represented, as dishonest men and drunkards.<sup>280</sup>

COL. GUGY rose to complain of a misrepresentation which had been made--not now for the first time--with reference to what fell from him on the occasion alluded to. He did not say what had been attributed to him--or anything approaching it. He did not attribute to the hon. member a desire to misrepresent him, for the purpose of enabling him to fulfil a threat he had made, that he would prevent his (Col. G.'s) election; still such statements were calculated to injure him, not only on the floor of that house; but among his countrymen at large. What he had said was that there were the names appended to the petitions of many exceedingly respectable men; but that among them were others of individuals, who were bankrupt in character and fortune; and who like drowning men, grasped at annexation, as they would at a straw. He hoped this hon. member would desist from repeating these misrepresentations; otherwise he should use language to him that would compel him to do so.<sup>281</sup>

MR. MCCONNELL said he was bound to receive the gallant member's explanation; but he would first mention, that a large portion of his constituents at Durham were as honorable and respectable as those he had described. The Inspector General had stated in the debate, that the population of the Eastern Townships<sup>282</sup> were particularly opposed to British Institutions<sup>283</sup>, ((and)) were more favorable to annexation than any other part of the country.<sup>284</sup> Man (sic) (said Mr. McC.) seldom become vicious at once--they seldom become rebels and traitors all at once, the past lives of men form a good criterion of their characters, and he would trouble the house with a short scrap of history having reference, to that part of the Province, which extends along the shore of the St. Lawrence, for one or two hundred miles. Near the close of the last century, a royal proclamation was issued, inviting foreigners to settle there, and promising them the protection of the law of England; in consequence of which, many person moved from the United States. In 1812, the loyalty and attachment of honest men were tried. When the stream glides smoothly, all is well, but when the rapids are approached, that is the time to try men, and in 1812, he reported more men were so tried; for although they were citizens of the United States originally, yet they had become subjects of the King of England, men were accepted, therefore, to fight against fathers and brothers in defence of the country of their adoption. Another time to try them was in 1837-38, when the inhabitants of the Eastern Townships came forward and formed a line of posts, which prevented those who had taken up arms against their sovereign from flying to the United States, and joining the sympathizers; by which many who so acted lost their lives. He, himself, had been called from his bed during a winter's night, to meet those who were disturbing the country and this service was performed by direction of Col. Kingston, who had recently been deprived of his commission by saying that

Canada ought to be annexed to the United States. He might have lost his commission, but he had sustained no loss of character, and still retained the confidence of the people, who agreed with Pope, that,

"An honest man's the noblest work of God."

Subsequently an Address in the British Parliament was passed uniting the two provinces; and although by its enactments a large amount of the debt of the Upper Province, was to be assumed by Lower Canada; this was not objected to, in the expectation that the Colony would enjoy the full benefit of English jurisprudence; and that the Anglo-Saxon race--he meant nothing that could hurt the feelings of the French-Canadians--would enjoy laws congenial to their minds. Instead of which two sets of laws are in force--one for Upper Canada and the other for Lower Canada, and the people complain that they live under French institutions which had created much dissatisfaction. The next great event to which he should allude, was the Free Trade policy; he did not blame the government of the mother country for this, if the people of England called for it; he considered it unjust that they should be taxed to support the trade of the Colonies, and the consequence had been that the fate of the Province had been destroyed, and the people had been deprived of a market at home and abroad.<sup>285</sup> They had no market in Lower Canada, very few, he believed, in Upper Canada ... grass was growing in the streets of Montreal.<sup>286</sup> As to loyalty--all were loyal men, but if the people of Canada could obtain twenty percent more<sup>287</sup> ((for)) Cattle, Produce, Lumber<sup>288</sup> in the neighbouring Republic were they annexed, what was objectionable in their desiring the change--twenty percent was a considerable amount for a poor farmer, then there was the article for lumber, for which a good price could be obtained in the United States, but upon which a duty of 15 per cent is required to be paid. Besides, articles could be purchased, and imported and sold cheaper at Sherbrooke, than when bought at Montreal; even when the duty had been paid. There was another difficulty which was nearer the heart than the purse.--Their sons were leaving home in search of employment in a foreign land, where the labouring classes find it on railroads, bridges and other public undertakings; and the better educated in keeping schools, and being employed in counting houses. If their sons left the country; what must become of their daughters--they must and do follow them: and are to be found at Lowell, and teaching schools elsewhere.<sup>289</sup> If the ladies of Lower Canada and Upper Canada, too, understood the matter as he did, they would all go with him for annexation.<sup>290</sup> As to the dismissals he did not know but the government were obliged to do as they did; and their consciences may have prompted them to act one way and their duty another.<sup>291</sup> At all events, their conduct in 1837 was grossly inconsistent with their present acts. He had another grievance, and he would state it.<sup>292</sup> There was one final grievance to which he should allude. When the tory party ruled the country its representatives were committed as to the appointments about to be made.<sup>293</sup> As the county member, he used to be applied to give a list of the names when new magistrates<sup>294</sup>, and small debts commissioners<sup>295</sup> were required to be appointed<sup>296</sup>, a thing which he understood was the practice under Responsible Government<sup>297</sup>. He wished he could say the same of hon. gentlemen opposite. This system he considered as forming part of responsible government. Acting under the impression, he said, at the close of the last Session he left a list with the Provincial Secretary. But nothing having been heard of the result, and no reply being made in answer to enquiries he made on the subject, he came to the conclusion that the administration had not acted upon his advice, because he did not happen to row in the same boat with themselves; and he was the more confirmed in this conclusion, when upon consulting the list he had given in, he found that five were tories and five were liberals. He was therefore satisfied that responsible government is not yet arrived at in this Province.<sup>298</sup>

MR. H. BOULTON (of Norfolk) said the hon. member for St. Maurice had referred

to his (Mr. B's) past political course. But<sup>299</sup> the subject under debate was, whether the elective principle should be adopted with reference to the construction of the Legislative Council; and the question was not what members thought formerly, but what they think in 1850.<sup>300</sup> The hon. member (Mr. P.) had been denounced as a god: if this was the case, who had been his worshippers? Why, the hon. Gentlemen opposite.<sup>301</sup> It was a waste of time to engage in such recrimination. The decision should be in accordance with what the House and the country at present desired--the public at large,--who do not wish to see representation extended, but upon the basis of population. That was the principle, he said, which was enunciated last session. The construction of the Legislative Council had much engaged public attention, and he was confident that the public mind would not be satisfied, unless that body were elective.<sup>302</sup> There was no comparison between it and the House of Lords.<sup>303</sup> It would be recollected that in 1792 the subject was under discussion, and that the opinion which at that time generally prevailed was, that the Legislative Council should be elective. Since that period, another system of government has been introduced, and the mother country has declared that she will not interfere with the colonies, but will leave forth the enjoyment of self-government. Were the people of the Province therefore not called upon to look round, and see which is the best system of government that can be adopted; particularly as that which had been in operation during half a century, had not fulfilled the expectations that had been indulged in. He therefore wished to test the sentiments of the House upon the subject. If it should be found that the Legislature would not adopt that principle, which is in accordance with public sentiment, let the subject be referred directly to the people for their decision. The Attorney General had asked him if he (Mr. B.) had matured a plan as respects responsible government? It was not to be expected that he should enter into every minutiae. It was the duty of government in rule not only to frame a general measure, but also to fill up the details,--to introduce it upon their own responsibility, and to carry its principles into effect. Should the Attorney General East think proper to place him in a Committee with reference to the subject, he would recommend what he deemed most advantageous to the country.<sup>304</sup> He had moved a series of resolutions last session to that effect. He thought that if the Legislative Council were abolished, it would make the legislation of this country more independent.<sup>305</sup> The Legislative Council he said, was not the bulwark between the government and the popular branch of the Legislature which was originally intended. Measures of a popular character were frequently introduced into the Assembly, to which members themselves were opposed, but for which they would vote, having previously ascertained that they would be rejected by the Legislative Council. Legislation should therefore be carried on more independently and substantially. It might become a question whether the second branch of the Legislature should not be abolished. From what took place in the United States, he (Mr. B.) reported that the Senate exercised a wholesome control over the House of Representatives. The object of the Legislature here, he said should be to hound the Administration, and to allow them to put one branch of it into one pocket and the other in the other, and then trot away with the governor in their mouths. With a Government and Legislature so situated, the members of Assembly had better go home like good children, and allow the administration full sweep. He believed indeed that it would be better if the government were directly in this case rendered amenable to public opinion, as they would not then be sheltered by the Parliament, and would carry on the public service more economically.<sup>306</sup> No one had advocated a change more than he had. He had both written and spoken upon the subject.<sup>307</sup> He alluded to the objection which he understood the hon. Attorney-General to make--that if both Houses were elective it would destroy responsible government. That, in his opinion, was a very trifling objection.<sup>308</sup> Evils that had not been anticipated had resulted from the introduction of responsible government, into the



Province, and a public writer had said that under the present system, it would ultimately degenerate into an unbridled undemocratic oligarchy.<sup>309</sup> He expected to see the system altered from what it was at present. If the ministry were allowed to put the House of Assembly into one pocket, the Legislative Council in the other, and trot away with the Sovereign in their mouth, he would like to know where the responsibility was.<sup>310</sup> The administration of the day told the Parliament to do as they wish, and the Executive and the Legislature are in the same hands, while one of the most important duties which that House had to perform, was not only to see that proper laws were enacted, but that they were properly executed. They hold the purse-strings, it is true, but that is open mouthed. There was no difference between one administration and another, but by all the public monies are expended without a due regard to proper economy. The siting of Monklands near Montreal, for the residence of the Governor General, he mentioned as an instance of this; which was originally hired for £150 per annum, and might have been bought for £3000. About £2,000 was expended by the administration in making improvements; and after the lease had expired the government had to pay £450 a year for the use of their own improvements. Would any man in managing his own private property act so badly, or if the Government had to come to Parliament in the first instance, could any number of members be found to agree to such an expenditure. Just such another absurdity was perpetrated when Lord Durham came out, when five or six thousand pounds were paid for the McGill house. There were other topics to which he would allude, when they came up for consideration; but it was a great loss of time to review a variety of subjects, when but one measure was under consideration by the house.<sup>311</sup> During the course of his remarks, Mr. Boulton said he was desirous of seeing a committee appointed to report upon the alterations required in the constitution of the country, and then the House should make the alterations so far as it had the power.<sup>312</sup>

MR. M. CAMERON (of Kent) said, the hon. gentleman had kept nearer the question than some others, but his remarks had not much application to the question of representation.<sup>313</sup> ((He)) was in favour of a debate of the property qualification of voters, and an increase of representation in proportion to the population, and<sup>314</sup> he would be prepared heartily to support the increase of representation in that way.<sup>315</sup> It was certain that no other system would give satisfaction to the country. He did not think however, that this was so important a matter to the estimation of the people as some persons considered it. He had had as many opportunities during the last four months, of becoming acquainted with the views of the people of the west as any other member, and there was no strong feeling in favour of the system in the increase in the number of the members of the House that they did think that it could be easily bribed. He (Mr. C.) thought<sup>316</sup> that the time would come when extension of the representation must be granted; and,<sup>317</sup> if a sound principle can be laid down, so that, with the increase of population, this House may be increased, he<sup>318</sup> would be the first to support it.<sup>319</sup> He then referred to the question of an elective Upper House,<sup>320</sup> he (Mr. C.) had always desired to avoid taking up any question which was likely to lead to a collision with England; it was of the highest importance to avoid that,<sup>321</sup> for he regarded that as the most important and first of all blessings<sup>322</sup>, and he had therefore, not thought it advisable some time ago to alter the present Upper House; but when he saw Great Britain approving of the principle of an Elective Legislative Council, and applying it herself to another Colony,<sup>323</sup> when we were told that we could make what changes we liked, short of severing the connection ... for he regarded that as the most important and first of all blessings<sup>324</sup>, when he found that it was necessary to the efficient working of the constitution<sup>325</sup>, his opinions on this subject differed from what they were formerly.<sup>326</sup> Considering it, he felt that it was necessary to effect the change.<sup>328</sup> He had no fault to find with the present House; it was composed of men as honest and able as could be

found anywhere, but who could shut his eyes to the fact that it was necessary that the two branches of the legislature should be in harmony with each other and with the frequent changes in public opinion, or that they would bring the government to a dead lock.<sup>328</sup> The House ought to be glad of the manner in which that branch of the Legislature had worked. But<sup>329</sup> they must look out for a time, when the Lower House would differ entirely in their views from the upper branch<sup>330</sup> and differences between them could not be, constitutionally, adjusted as it (sic) had lately been.<sup>331</sup> It would then be necessary to appoint new members sufficient to overcome the majority in the Council, and no Government could be blamed for getting a majority to support the views of the representatives of the people.<sup>332</sup> The only way, then, to adjust it, would be by the elective principle.<sup>333</sup> Mr. Cameron then stated that he would like to see the Council formed on the same basis as the United States Senate, which was elected by the State Legislature.<sup>334</sup> Taking the geographical basis<sup>335</sup> he proposed to give that power to the corresponding bodies with us--the County Councils<sup>336</sup>, making the term of service long<sup>337</sup>. The Senate was elected for six years, one third retiring every two years, which kept the body in consonance with the state of public opinion. There was no property qualification for members; he was not, however, of the same opinion as to voters. A body like the Senate of the United States, with the checks of age, and sufficiently long residence in the country, would act as a salutary check on the Legislation of that House, and yet be obedient to the will of the people expressed through it. He believed that, though members voted against the motion then, when the question came up again, there would be a majority in favor of the proposition. He was also in favor of the other part of the proposition, household suffrage; he was opposed to universal suffrage, because the persons who were here to-day and there to-morrow should not have the same power as the regular resident; but every one on the assessment roll should have a vote.<sup>338</sup>

MR. RICHARDS was not sent there by his constituents to make organic changes, he was sent there to devise, under the present constitution, practical measures for the benefit of the Province; but if their whole time was to be taken up in discussing mere matters of theory, they could no nothing practically (sic) for the country.<sup>339</sup> It was not right to take up the time of the House in discussing questions of theory which no half-dozen could agree upon.<sup>340</sup> He believed that they had the power under the present constitution of doing everything they desired for the good of the Province. If the desires of the people could not be carried out under our present system, he would go as far as any in changing it for a better. He cared not for theory; it was substantial good he required, which was the end of all government. We had too much theory already, and too much of what honourable members had thought twenty-five years<sup>341</sup> et trente ans<sup>342</sup> ago. They were sent there to pass measures for the good of the country; when these were passed, if they had any time to spare, let them then theorize.<sup>343</sup>

(20)

*And the Question being put; the House divided: and the names being called for, they were taken down, as follow:--*

YEAS.

*Messieurs Boulton of NORFOLK, Boulton of TORONTO, Cameron of KENT, Christie, DeWitt, Holmes, Hopkins, Johnson, McConnell, Papineau, Prince, Sanborn, and Smith of FRONTENAC.--(13.)*

NAYS.

*Messieurs Armstrong, Badgley, Attorney General Baldwin, Bouthillier, Cameron of CORNWALL, Cartier, Cauchon, Cayley, Chabot, Chauveau, Davignon, Solicitor General Drummond, Duchesnay, Dumas, Fergusson, Flint, Fortier, Fournier, Fourquin, Guillet, Hall, Hincks, Jobin, Lacoste, Attorney General LaFontaine, LaTerrière,*

Laurin, Lemieux, Lyon, Sir Allan N. MacNab, Malloch, McFarland, McLean, Merritt, Méthot, Meyers, Mongenais, Morrison, Nelson, Notman, Price, Richards, Robinson, Sauvageau, Scott of TWO MOUNTAINS, Seymour, Smith of WENTWORTH, Stevenson, Taché, Thompson, and Viger.--(51.)

*So it passed in the Negative.*

MR. H. BOULTON, seconded by MR. MALLOCH, then moved that the House do adjourn until Monday, it being then past 12 o'clock.<sup>344</sup> This was opposed by ministers, who wished to finish the address that night, as two weeks had passed since the opening of the Session, and nothing had yet been done.<sup>345</sup>

MR. AT. GEN. BALDWIN opposed the adjournment, and desired that the debate should be concluded that night.<sup>346</sup>

(20)

*And the main Question being again proposed;*

Mr. Malloch moved, seconded by the Honorable Mr. Boulton, and the Question being put, *That the further consideration of the Question be postponed until Monday next; the House divided:--And it passed in the Negative.*

*And the main Question being again proposed;*

The Honorable Mr. Boulton moved in amendment thereto, seconded by Mr. Hopkins, *That all the words after "year" in the fifteenth paragraph, to the end of the said paragraph, be left out, and the words "which they earnestly desire may be forthwith laid before them, to the end that ample time may be afforded in the early part of the Session to give them that attentive consideration which a later period seldom enables the House to bestow," added instead thereof;*

*And the Question being put on the Amendment; the House divided: and the names being called for, they were taken down, as follow:--*

YEAS.

Messieurs Badgley, Boulton of NORFOLK, Boulton of TORONTO, Cameron of CORNWALL, Cameron of KENT, Cayley, Christie, DeWitt, Hopkins, Sir Allan N. MacNab, Malloch, McConnell, McLean, Meyers, Papineau, Prince, Robinson, Seymour, Smith of FRONTENAC, and Stevenson.--(20.)

NAYS.

Messieurs Armstrong, Attorney General Baldwin, Bouthillier, Cartier, Cauchon, Chabot, Chauveau, Davignon, Solicitor General Drummond, Duchesnay, Dumas, Fergusson, Flint, Fortier, Fournier, Fourquin, Guillet, Hall, Hincks, Holmes, Jobin, Johnson, Lacoste, Attorney General LaFontaine, LaTerrière, Laurin, Lemieux, McFarland, Merritt, Méthot, Mongenais, Morrison, Nelson, Notman, Price, Richards, Ross, Sanborn, Sauvageau, Scott of TWO MOUNTAINS, Smith of WENTWORTH, Taché, Thompson, and Viger.--(44.)

*So it passed in the Negative.*

The adjournment was again proposed by the Opposition without effect<sup>347</sup>.

MR. M. CAMERON (Kent) said, that he had an important motion on the Reserves to make, which would occupy a long time, and he had not yet spoken on the general question at all; he did not think it possible to get through that night.<sup>348</sup>

(20)

*And the main Question being again proposed;*

The Honorable Mr. Boulton moved in amendment thereto, seconded by Mr. Hopkins, *That all the words after "fail to" in the sixteenth paragraph, to the end of the said paragraph, be left out, and the words "effect such large and extensive reductions in the overgrown expenditure of the Government, as will satisfy the country of the earnestness with which Parliament had entered upon this highest duty to their constituents, without at all impairing the efficiency of the Public Service," added instead thereof;*



M. M. CAMERON.--Je n'aurais jamais supposé que ce dernier paragraphe put entrer dans l'adresse en réponse au discours,--paragraphe dans lequel on parle de retranchement comme d'une chose illusoire, paragraphe qui déjoue les espérances du peuple. C'est du Globisme, une insulte jetée à la face du peuple.<sup>349</sup> He thought it had been done hastily<sup>350</sup>. Je pense que les ministres s'apercevront que cela ne leur donnera pas de nouvelles forces. Il n'y a rien dans le discours sur les attentes illusoires d'économie. Je pense que le peuple veut obtenir des retranchements<sup>351</sup>. The member for Halton had been returned on the very question of retrenchment, and had presented a petition on the subject signed by 1,500 persons.<sup>352</sup> Il a été dit par tout le pays que le ministère était sur le point de proposer une mesure de retranchement, j'espère qu'elle sera satisfaisante (sic), et que je ne serai pas irraisonnable dans le traitement que j'en ferai quand elle sera soumise.<sup>353</sup> Mr. Cameron went on to censure the Government for proposing to refer the question to a Committee instead of taking the responsibility of it themselves; considering that this course was opposed to the requirements of responsible government. When the question once got into Committee, Government would be able to deal with it as they liked.<sup>354</sup>

MR. ROBINSON had been surprised to see that sentence.<sup>355</sup>

MR. J. CAMERON (Cornwall) said that there was good reason why the sense of the House should be taken on that phrase<sup>356</sup>, for it was remarkable that these words had not been put into the address till after Mr. Boulton had brought in that bill which was so summarily rejected. The ministry might throw out stories about retrenchment; but they had on two occasions already shown that there would be no retrenchment. It was all very well to say that in naming a committee, the House was following the example<sup>357</sup> lately done in England. Had not the whole press of Great Britain pronounced that a scheme to prevent all reform--that the Ministry, on referring it to a Committee, were consigning it to the tomb of all the Capulets, for they could mould it as they please<sup>358</sup>, sans compter que ce n'est pas le gouvernement responsable.<sup>359</sup> No better or clearer proof could be required, that the gentlemen opposite did not desire retrenchment, than their throwing out a bill on the subject, introduced by his hon. friend from Norfolk. The anticipations of retrenchment from them were illusory.<sup>360</sup>

No, no: from MR. INSP. GEN. HINCKS.<sup>361</sup>

MR. J. CAMERON continued: Well, then why did they say so?<sup>362</sup> Il est bien beau de dire que leurs prédécesseurs n'avaient pas la confiance du pays; mais ils ne doivent pas maintenant, au lieu de faire ce que le pays leur demande de faire, jeter la responsabilité sur un comité, des actes qu'ils doivent faire eux-mêmes. S'ils ont un plan de retranchement, pourquoi ne pas le faire connaître de suite tel qu'il est? Que les ministres comprennent bien leur position. Si le retranchement (sic) n'est pas accordé franchement, il y aura un retranchement de candidat à chaque élection, et le peuple ne s'entendra plus dire que ses espérances sont illusoires.<sup>363</sup> The hon. gentleman then referred to the Halton election, which he said had been decided on the question of retrenchment, and contended that the Administration should take the responsibility of the reforms upon themselves.<sup>364</sup>

MR. HOPKINS said the cry for retrenchment was general throughout the country; referred to the decision on it of the County of Halton, and said he should vote on all questions, according to his judgment and his conscience.<sup>365</sup>

MR. COM. PUB. WORKS MERRITT contended, in reply to the hon. member ... for Cornwall, that it was necessary to get on with the business of the House<sup>366</sup>, the opposition complained of the ministry forcing the question to a conclusion

that night. They ought to reflect that this House had been nearly a fortnight in session, that it was they that asked for delay, and that in taking up the speech they had since discussed every trivial point at the greatest length<sup>367</sup>, that could lead to no practicable result.<sup>368</sup> He was aware that the whole country was in favour of retrenchment; no one, would be so foolish as to oppose it when practicable. Let the members read the words of the address and see whether retrenchment was not there strongly recommended. The hon. gentleman read the following paragraph:--"That this House receives with peculiar satisfaction the recommendation of His Excellency to direct their attention to an enquiry into the Revenue and Expenditure of this important object thus introduced under the highest sanction, will not fail to be ... attended with beneficial results, as well in dispelling illusory expectations as in leading to the adoption of every practicable retrenchment that the efficiency of the public service will permit." What stronger declaration could be required. He was asked why illusory expectations were mentioned; he believed that some people expected that the government could be carried on without any expense whatever, and their illusory expectations would certainly be dispelled. Honorable members, should wait till the committee was appointed and then the country would see who would go farthest in retrenchment. The course of the home government in referring the question of retrenchment to a committee had been approved of by Peel and Cobden and many other zealous reformers; he could not see who was to take the responsibility of these changes if the members of that house would not do it, who were responsible to the people for whose benefit they were to be made.<sup>369</sup>

((There followed)) an amusing speech from COL. PRINCE, on the propriety of allowing more time for discussion.<sup>370</sup> The debate was not of an impracticable character. The subjects debated in the address were disposed of for that Session. For instance he had himself intended to bring in a bill to abolish the Court of Chancery, but the vote yesterday on that question would prevent his doing so.<sup>371</sup>

MR. INSP. GEN. HINCKS was surprised at the course of the honourable and learned member for Cornwall, from whom he expected a fair opposition, he was sure that he would not find in England a precedent for his present conduct.--The late Ministry had never received from the then opposition, the factious reluctance which the hon. members opposite were giving to the present one.<sup>372</sup> (Oh, oh.) ... ((He)) declared that he had no objection to the present obstructive conduct of hon. members opposite, going to the country, and being judged by that tribunal<sup>373</sup>. The Reform electors of the Counties of Norfolk and Halton would mark the expensive delays caused by their representatives.<sup>374</sup> The hon. member for Norfolk would find that he would not meet with much favour from his constituents (sic), for the course he was now taking. He contended that all the points brought up by him for discussion, would have been more properly discussed on future occasions. He declared that there was no man on the floor of the House who had so obstructed the public business as the hon. member for Norfolk, and thought his constituents would remember it.<sup>375</sup>

MR. H. BOULTON said something about the County of Oxford, which, was not heard distinctly in the gallery.<sup>376</sup>

MR. INSP. GEN. HINCKS was not afraid of losing the confidence of the electors of Oxford by his present course. He had heard something of a recent popularity hunting expedition of the hon'ble member for Norfolk among his constituents.<sup>377</sup>

MR. H. BOULTON said the statement was utterly unfounded, and called the hon'ble gentleman to order.<sup>378</sup>

MR. INSP. GEN. HINCKS,--Well then, the honourable member did not go up on a popularity hunting expedition to his constituents, he only happened to be in the county, and he happened to be invited to a dinner, and it happened that his constituents insisted on drinking the healths (sic) of the administration.<sup>379</sup>

SIR A. MACNAB called the hon. Inspector Gen. to order.<sup>380</sup>

MR. MORIN the SPEAKER said that the hon. member was referring to a fact to prove the state of feeling of the people of the Province, and he was in order in doing so.<sup>381</sup>

MR. INSP. GEN. HINCKS was going on to show what was the object of the hon. member in introducing his various amendments at the beginning of the session. He wished an impression to go abroad that the Administration were disposed to resist the progress of the popular mind when they voted against these amendments, introduced as they were, in an improper spirit and irregular manner. It was not to be understood that the members who had voted that day against an Elective Legislative Council were pledged not to vote in its favour when a proper time arrived. It had been said that Great Britain had granted an elective Legislative Council in another colony; he was quite certain that none there present would be in favour of adopting that part of the new Constitution of the Cape Colony. Another piece of factious opposition had just been announced, an amendment to the address on the subject of the Clergy Reserves, although no notice had been laid on the table as was usual in such cases. With reference to the hon. member for Norfolk's wish to have the public accounts sent down immediately, he could hardly believe that the hon. gentleman was sincere; he knew that the accounts could not be brought down till after the address was passed, yet he delayed that passage in every way in his power. These amendments were altogether unusual, and gave rise to most vexatious delays. First, four or five hours on the Court of Chancery, then on Gaols and Court Houses in Lower Canada, and now it was desired to argue whether the appointment of a committee upon retrenchment were correct, before even notice was given of such an appointment.<sup>382</sup>

MR. W. BOULTON went at length into the question of retrenchment, showing the great advantage that would arise to the farmers from the excessive costs now employed in Government being employed in public works. To cut down the Governor General's salary alone, from £7,777 to £1,777, would pay the interest to build a railroad from Lake Huron to Lake Ontario. He desired to see the plan of retrenchment which was to be brought down. Would the Hon. Commissioner for Crown Lands like to take the salary paid to the same officer in the State of Ohio--he found the salary there was \$2.50 per diem. Now, look at the statutes; here he exhibited a large folio, which he said was about the fourth part of the statutes of the Province for a year, and then the statutes of Massachusetts in a pamphlet about as big as Scobie's almanac<sup>383</sup>, which was not a twentieth part the size of our statutes passed last Session.<sup>384</sup> He asked why there could not be general laws such as prevailed in the State of Massachusetts, which would save a new act of incorporation, and so on, for every plank road. Printing was another cause of enormous expense, and while the whole stationery for the State of New York cost only \$3,000, the stationery of Canada cost \$29,000.<sup>385</sup>

(20)

*And the Question being put on the Amendment; the House divided: and the names being called for, they were taken down, as follow:--*

YEAS.

*Messieurs Badgley, Boulton of NORFOLK, Boulton of TORONTO, Cameron of CORNWALL, Cameron of KENT, Cayley, Christie, DeWitt, Hopkins, Sir Allan N. MacNab, Malloch, McLean, Meyers, Papineau, Prince, Robinson, Sanborn, Seymour,*



Smith of FRONTENAC, and Stevenson.--(20.)

NAYS.

Messieurs Armstrong, Attorney General Baldwin, Bouthillier, Cartier, Cauchon, Chabot, Chauveau, Davignon, Solicitor General Drummond, Duchesnay, Dumas, Ferguson, Flint, Fournier, Guillet, Hall, Hincks, Holmes, Jobin, Lacoste, Attorney General LaFontaine, Laurin, Lemieux, McFarland, Merritt, Méthot, Mongenais, Morrison, Nelson, Notman, Price, Richards, Sauvageau, Scott of TWO MOUNTAINS, Smith of WENTWORTH, Taché, Thompson, and Viger.--(38.)

*So it passed in the Negative.*

*And the House having continued to sit till after twelve of the clock, on Friday morning;*

FRIDAY, 24 MAY, 1850:

*And the main Question being again proposed;*

*On motion of Sir Allan N. MacNab, seconded by the Honorable Mr. Cameron of Cornwall,*

Ordered, *That the further consideration of the Question be postponed until Monday next, this day being the anniversary of the Birth-day of our most gracious Sovereign, which Her Majesty's faithful Subjects, the Commons of Canada, are desirous of commemorating with becoming demonstrations of attachment to Her Majesty's Person and Government.*

Ordered, *That the Orders of the day be postponed until Monday next.*

*After a conference with the opposition, MR. AT. GEN. BALDWIN moved that the House should adjourn till 10 o'clock on Monday, to finish the debate on the Address on that day.*<sup>386</sup>

*The opposition objected to meeting so early*<sup>387</sup>.

*The ministerial benches then becoming clamorous to go on that night, they gave way*<sup>388</sup>.

(20)

*Then, on motion of the Honorable Mr. Attorney General Baldwin, seconded by the Honorable Mr. Price,*

Ordered, *That this House do now adjourn until Monday next at ten o'clock in the forenoon.*

*And the House adjourned accordingly.*

FOOTNOTES: 23 MAY 1850.

1. BRITISH WHIG, 27 May 1850.
2. The following papers reported the debate on this matter in identical accounts: GLOBE, 28 May 1850, BRITISH COLONIST, 28 May 1850, HAMILTON SPECTATOR, 29 May 1850, copied from BRITISH COLONIST; BRITISH WHIG, 28 May 1850, ST. CATHARINES JOURNAL, 30 May 1850; NORTH AMERICAN, 28 May 1850, EXAMINER, 29 May 1850; PILOT, 30 May 1850, PACKET, 8 June 1850; LA MINERVE, 6, 10 June 1850, and JOURNAL DE QUEBEC, 11 June 1850, copied from LA MINERVE. The following papers reported the debate in partially identical accounts: BRITISH COLONIST, 24 May 1850, BRITISH WHIG, 27 May 1850, and BATHURST COURIER, 31 May 1850. The debate was also reported by: LA MINERVE, 31 May 1850; JOURNAL DE QUEBEC, 1 June 1850; and L'AVENIR, 8 June 1850. NORTH AMERICAN, 24 May 1850; LA MINERVE, 27 May 1850; and JOURNAL DE QUEBEC, 28 May 1850, noted the debate. PILOT, 28 May 1850, gave a summary of it. Commentaries appeared in NORTH AMERICAN, 30 May 1850, which noted that Mr. Papineau "was followed by Mr. Cauchon, of the Journal de Quebec, in a most abusive speech, which excited disgust in all honorable minds"; PILOT, 30 May 1850; and BATHURST COURIER, 31 May 1850, which noted that: "It is really too bad the valuable time of the house should be occupied in listening to the fruitless ravings of such scamps as Papineau, Couchon (sic), Gagy and H.J. Boulton."
3. BRITISH COLONIST, 28 May 1850.
4. NORTH AMERICAN, 28 May 1850.
5. GLOBE, 28 May 1850.
6. NORTH AMERICAN, 28 May 1850.
7. BRITISH COLONIST, 28 May 1850.
8. BRITISH WHIG, 27 May 1850.
9. BRITISH COLONIST, 28 May 1850.
10. GLOBE, 28 May 1850.
11. NORTH AMERICAN, 28 May 1850.
12. GLOBE, 28 May 1850.
13. NORTH AMERICAN, 28 May 1850.
14. GLOBE, 28 May 1850.
15. NORTH AMERICAN, 28 May 1850.
16. BRITISH WHIG, 27 May 1850.
17. NORTH AMERICAN, 28 May 1850.
18. GLOBE, 28 May 1850.
19. NORTH AMERICAN, 28 May 1850.
20. GLOBE, 28 May 1850.
21. NORTH AMERICAN, 28 May 1850.
22. GLOBE, 28 May 1850.
23. NORTH AMERICAN, 28 May 1850.
24. GLOBE, 28 May 1850.
25. NORTH AMERICAN, 28 May 1850.
26. GLOBE, 28 May 1850.
27. NORTH AMERICAN, 28 May 1850.
28. GLOBE, 28 May 1850.
29. IBID.
30. IBID.
31. IBID.
32. IBID.
33. IBID.
34. NORTH AMERICAN, 28 May 1850.
35. GLOBE, 28 May 1850.
36. IBID.
37. IBID.
38. NORTH AMERICAN, 28 May 1850.

39. GLOBE, 28 May 1850.
40. NORTH AMERICAN, 28 May 1850.
41. GLOBE, 28 May 1850.
42. NORTH AMERICAN, 28 May 1850.
43. GLOBE, 28 May 1850.
44. NORTH AMERICAN, 28 May 1850.
45. LA MINERVE, 31 May 1850.
46. NORTH AMERICAN, 28 May 1850.
47. PILOT, 30 May 1850.
48. GLOBE, 28 May 1850.
49. BRITISH COLONIST, 28 May 1850.
50. GLOBE, 28 May 1850.
51. BRITISH COLONIST, 28 May 1850.
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58. GLOBE, 28 May 1850. Ellipses represent illegible lines.
59. NORTH AMERICAN, 28 May 1850.
60. PILOT, 30 May 1850.
61. BRITISH COLONIST, 28 May 1850.
62. NORTH AMERICAN, 28 May 1850.
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64. BRITISH COLONIST, 28 May 1850.
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73. PILOT, 30 May 1850.
74. EXAMINER, 29 May 1850.
75. NORTH AMERICAN, 28 May 1850.
76. GLOBE, 28 May 1850.
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83. NORTH AMERICAN, 28 May 1850.
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85. LA MINERVE, 31 May 1850.
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127. GLOBE, 28 May 1850.
128. PILOT, 30 May 1850.
129. NORTH AMERICAN, 28 May 1850.
130. GLOBE, 28 May 1850.
131. LA MINERVE, 6 June 1850. The BRITISH COLONIST, 24 May 1850, reported this speech as follows: "MR. CAUCHON followed in reply, and proceeded, with the help of a very large book and a candle, to occupy (we cannot say to instruct or amuse) the House for a period, which measured by the sufferings of those who listened to him, (understand him no one could,) one might say he spoke for a life-time, even had that life been Methuselah's. If this gentleman make a speech, if we may be allowed the expression, by reading folios, quartos, decimos and duodecimos, he should request the house to appoint a competent person to that duty he has not the ability to perform. This hon. gentleman's "pluck," to use a sporting term, must be wonderful or his obtuseness impenetrable, if he could not see he was looked on during his miserable exhibition of public incapacity with pity by his friends, and contempt by his enemies."
132. GLOBE, 28 May 1850.
133. LA MINERVE, 6 June 1850.
134. GLOBE, 28 May 1850. Ellipses represent illegible words.
135. LA MINERVE, 6 June 1850.
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380. IBID.  
381. IBID.  
382. IBID.  
383. PILOT, 30 May 1850.  
384. NORTH AMERICAN, 28 May 1850.  
385. PILOT, 30 May 1850. The PILOT commented about this statement: "We demur to this statement. Our neighbours on the other side are by no means niggardly to the printer and the stationer. The printers' bills for the General Government are enormous. The state printing for New York, for the last fiscal year, amount to \$64,935; the stationer's account, we have no doubt, bore a fair proportion. The cost of the Government printing for Canada, does not amount to the sum expended by the State of New York for the same purpose, but the stationery account according to Mr. Boulton, is nearly ten times as much. Mr. B. is doubtless misinformed."  
386. GLOBE, 28 May 1850.  
387. IBID.  
388. IBID.



MONDAY, 27 MAY 1850.

(20)

Sherbrooke Cotton Factory.

MR. Speaker laid before the House, a Statement of the Affairs of the Sherbrooke Cotton Factory, for the year 1849, pursuant to the Act 8 Vic. c. 91.

Appendix (F.)

For the said Statement, see Appendix (F.)

Champlain Railroad.

Also, Statement of the Affairs of the Champlain and St. Lawrence Railroad Company, for the year 1849.

Appendix (G.)

For the said Statement, see Appendix (G.)

(21)

Montreal Savings Bank.

Also, Statement of the Affairs of the City and District Savings Bank of Montreal, for the year 1849.

Appendix (H.)

For the said Statement, see Appendix (H.)

Agricultural Societies.

Also, Reports of Agricultural Societies in Upper and Lower Canada, for the year 1849.

Appendix (I.)

For the said Reports, see Appendix (I.)

Charitable Institutions.

And also, Reports of Religious Educational Incorporations and Charitable Institutions.

Appendix (J.)

For the said Reports, see Appendix (J.)

Clerk of the Crown in Chancery.

Mr. Speaker informed the House, That he had received a letter from Felix Fortier, Esquire, Clerk of the Crown in Chancery, requesting leave of absence for three weeks, on account of illness in his family, and permission to appoint a Deputy to attend the House in his place during his said absence.

On motion of Mr. Ross, seconded by Mr. Prince,

Resolved, That Felix Fortier, Esquire, Clerk of the Crown in Chancery, have leave of absence for three weeks, on account of illness in his family; and that he be permitted to appoint a Deputy to attend this House in his place, during such absence.

Mr. Speaker acquainted the House that Mr. Fortier had, with his permission, appointed Peter L. Macdonell, Esquire, to act as his Deputy, in conformity with the leave of the House.

COL. PRINCE<sup>1</sup> was desirous of presenting a petition to the House<sup>2</sup>.

MR. MORIN the SPEAKER ruled that, under the decision of the House, come to on Thursday last, no business could be brought forward until the address was disposed of.<sup>3</sup>

(21)

Speech further considered.

The House, according to Order, resumed the further consideration of the Question which was on Friday, the seventeenth instant, proposed, That an humble Address be presented to His Excellency the Governor General, thanking His Excellency for his gracious Speech from the Throne at the opening of the present Session of Parliament:

To assure His Excellency that this House cordially unites with him in deeply regretting the death of the Queen Dowager, a Princess whose many virtues endeared her to all classes of Her Majesty's subjects:

That the occurrences of the past year, and the necessity which had arisen for providing suitable accommodation for Parliament while in Session, having imposed on His Excellency the duty of considering during the Recess, the important subject con-

tained in the Address of this House of last Session, relating to the places for holding the future meetings of the Legislature, His Excellency in giving effect to the prayer of that Address by summoning Parliament to meet at this place, has given additional proof of his desire to meet the wishes of the People, as expressed through their Representatives:

That this House trusts with His Excellency, that the important changes recently made in the Imperial Navigation Laws, and the improvements effected in the Provincial Canals, will tend to promote materially the commercial interests of the Province, and to attract to the route of the St. Lawrence, a considerable portion of the Emigration from Europe to this Continent:

That it affords this House much gratification to learn from His Excellency that recent advices from England indicate a marked improvement in the value of Canadian Securities in the British market, and they assure His Excellency that nothing shall be wanting on their part which may have a tendency to encourage such reviving confidence:

That this House is fully sensible of the great importance to these Colonies of placing the Trade between the British North American Provinces on the most unrestricted footing, and they rejoice to learn that His Excellency has, during the Recess, been in communication with the Lieutenant Governors of Nova Scotia, New Brunswick, and Prince Edward Island, and with the Governor of Newfoundland, upon this subject, and to assure His Excellency that they are fully prepared to place such powers in the hands of the Executive Government as may enable it to meet the advances of the Sister Colonies in a liberal spirit:

That this House is pleased to learn that a measure for the establishment of free trade between Canada and the United States in certain articles the natural products of each, corresponding to that passed by the Legislature of this Province at its last Session on the same subject, is now under the consideration of the Congress of that country:

That this House is glad to learn that by an Act passed during the last Session of the Imperial Parliament, the entire control of the internal Posts in British North America is vested in the Provincial Authorities, and they are prepared to take such further action on this subject as may be necessary in order to secure for the inhabitants of this Province, the benefit of a cheap and uniform postage rate:

That the expediency of effecting an encrease in the Parliamentary Representation of the Province shall not fail again to engage their attention:

That this House will give its best attention to any measure that may be submitted for its consideration, founded on the Report of the Commissioners appointed to enquire into the conduct, discipline, and management of the Provincial Penitentiary, and they feel that the increasing wealth and population of the Province, and the growing aversion to Capital Punishment, render it highly important that the system of discipline established in that Institution, and in the Gaols, should be made as far as possible effectual for the prevention of crime and the reformation of offenders:

That they will be happy to receive the communications from Her Majesty's Commissioners for the promotion of the Exhibition of the Works of Industry of all Nations, to be held in London, in 1851, transmitted to His Excellency through Her Majesty's Secretary of State for the Colonies, and they feel the fullest confidence that the hope expressed by His Excellency that Canadian industry and produce will be fittingly represented on that occasion, will not be disappointed:

That this House is happy to find that the practice and proceedings in the Court of Chancery in Upper Canada have been placed upon an improved footing, calculated to facilitate the business of the Court and lessen expense to suitors:

To assure His Excellency that they will not fail to take into their most deliberate consideration, as of analogous, and perhaps even equal importance, the jurisdiction and practice of the Inferior Courts in that part of the Province, with a view to the extension of their sphere of usefulness, and the lessening as much as possible the expense of litigation:



That the regulation of Municipalities, and the construction of Gaols and Court Houses in Lower Canada, and the laws for the selection and return of Jurors, and those for the Assessment of property for local purposes in Upper Canada, shall also engage their best attention:

That this House will not fail to give their most careful consideration to the Accounts of the past, and the Estimates for the present year, whenever they shall be transmitted to them by His Excellency:

That this House receives with peculiar satisfaction the recommendation of His Excellency to direct their attention to an enquiry into the Revenue and Expenditure of the Province, and trust that the consideration of this important subject thus introduced under the highest sanction, will not fail to be attended with beneficial results, as well in dispelling illusory expectations, as in leading to the adoption of every practicable retrenchment that the efficiency of the public service will

(22)

permit:

To assure His Excellency that he may fully rely on the readiness of this House to grant the necessary Supplies for the public service, and for the maintenance of the Provincial credit, than which they feel no duty connected with the discharge of their legislative functions to be more sacred:

That this House fully concurs with His Excellency that in the exercise of the Prerogative with which he is entrusted, it was his duty to mark Her Majesty's disapprobation of the course taken by persons holding Commissions at the pleasure of the Crown, who formally avowed the desire to bring about the separation of this Province from the Empire of which it is a part:

To assure His Excellency that the views put forward by such persons, and by those who act with them, do not find favor with any considerable portion of Her Majesty's Canadian subjects:

That the great majority of the people of the Province have, on the contrary, given at this conjuncture proofs, not to be mistaken, of loyalty to the Queen, and attachment to the connection with Great Britain: they look to their own Parliament for the redress of grievances which may be proved to exist, and for the adoption of such measures of improvement as may be calculated to promote their happiness and prosperity; and the confidence placed by them in the wisdom of Parliament will, this House is assured, be fully justified. While dealing unsparingly with abuses, they will not barter away for novelties, rights dear to British subjects, nor abandon those principles of good faith, morality and constitutional freedom, the strict adherence to which has enabled Great Britain, with God's blessing, to pass unscathed through many perils;

COL. PRINCE, seconded by MR. DEWITT, then moved the amendment, of which he had given notice, condemnatory of the course taken by ministers, in dismissing the magistrates and militia officers for signing the Annexation Manifesto.<sup>4</sup> He had not the slightest idea that it, or any of them which had been proposed, would be carried<sup>5</sup> against the powerful majority which backed the gagging system of this liberal administration<sup>6</sup> (and most tyrannical)<sup>7</sup>, but it was, nevertheless, his duty to speak upon them, and he believed that they would ultimately be approved of by the country<sup>8</sup>, ((and)) because it would form a good ground-work for the Administration to proceed upon at a future date.<sup>9</sup> The present amendments alluded more particularly to the three last paragraphs in the address, which purport to approve of the conduct of the ministry in dismissing from office those who had favored annexation or independence.<sup>10</sup> Now, he did not happen to be one of those who thought that it was the duty of the government to visit with their displeasure, the gentlemen who had signed the manifesto, for he could not conceive, and it was impossible for him to bring his mind to think otherwise, that they had done anything calculated to bring Executive disfavour on them.<sup>11</sup> He strongly condemned the treatment of the signers of the Annexation Manifesto.<sup>12</sup> He did not think that any one who desired a change, in a constitutional manner, deserved the treatment which those gentlemen had re-



ceived.<sup>13</sup> And to use the words of Junius--substituting "executive indignation" for 'royal indignation'--it might hereafter be found, "that the walks of executive indignation had served rather to illumine those persons than to consume them."<sup>14</sup> And the gentlemen who had been so improperly dismissed from office, would be illumined, and not consumed by the conduct of the ministry.<sup>15</sup> Of what crime had they been guilty? The Manifesto and the Annexation Petition, which he had the honor to present, did not make a formal avowal of a determination to separate Great Britain, but were in the form of a prayer to the Imperial Government, that it should consent to that separation which was so essential to their interests.<sup>16</sup> Executive and the Governor-General<sup>17</sup> in the height of their wrath and passion, chose to view it in a different light; and by a great mistake made it appear that it was a treasonable design. But how much more mistaken must they have been when they advised his Excellency to say that the Annexation movement was not viewed with favor by the masses of the people? Thousands--aye, and tens of thousands--were in favour of it; but not the tenth part of them dare give expression to their opinion lest they should bring down on their devoted heads the weight of executive wrath. He believed that the administration themselves were favourable to it, as it was in perfect compatibility with the views and sentiments they had formerly expressed; and he felt confident that they were also well acquainted with the fact, that the great body of the people were in favor of it.--But admitting that this statement was correct, how was it that there were no petitions on the table to support their views? It could not be said the people had been taken by surprise, they were all well acquainted with the fact that this question was agitated throughout the Province; aye, even His Excellency himself had received a copy of his petition a full month ago, in order that he might read, mark, and digest its contents. And indeed he had received much more substantial proofs than he had expected, that the people were on his side. The hon. gentleman then produced an envelope, marked with 9½d postage, which had enclosed two<sup>18</sup> OR four petitions, word for word, identical with that which he had before presented,<sup>19</sup> in favour of annexation. He mentioned that circumstance for the especial benefit of the hon. member for Kent, who had asserted that there were not twenty men of respectability in the Western Country favourable to the subject of these petitions. They were signed by<sup>20</sup> hundreds of influential farmers and merchants<sup>21</sup> of the highest respectability in the Irish settlement, on the middle road, with whom, he believed, the hon. member was but slightly acquainted<sup>22</sup>; but he would not disgrace or insult them by presenting these petitions to this House<sup>23</sup> and that ((they)) had been numerously signed, might be estimated from the fact, that 19s. 2d.<sup>24</sup> was marked on the cover for postage.<sup>25</sup>

MR. CAMERON.--Let us have a peep at those names.<sup>26</sup>

COL. PRINCE.—No, he would not<sup>27</sup>. Surely the hon. gentleman was not in earnest in asking for their names. Surely the hon. gentleman did not want to bring the signers within the reach of gubernatorial indignation<sup>28</sup>, or ministerial malignity.<sup>29</sup> No, he would not give their names, or expose them to the same insults which had been heaped on the parties who had signed the other petition; but if the hon. member really wished to find out the names, he (Mr. P.) would be happy to communicate them to him in all faith and confidence, some day when they happened to crack a bottle of wine together.<sup>30</sup> He was told in the last paragraph of the address about the proofs which the vast majority of the people had given of their loyalty. What were these proofs? He had not seen them. What a piece of inconsistency there also was to say, that<sup>31</sup> the people were contented and happy, because they looked in their own Parliament for the redress of any evils, of which they had to complain. He never heard anything more absurd. Why the people did look to this Parliament for the redress of a grievance which could not be remedied in any court of common law<sup>32</sup>. The people of Essex had done so, and very nicely they had been treated.<sup>33</sup> The petition of the county of Essex had been shamefully used.... There had been no counter petitions presented. He asked what had been the counter manifestations which they had been told of? He had seen none. It surely could not be the vote of that House on the Essex petition.<sup>34</sup> Their petition had been

treated with utmost contempt; but it was just a piece with all the other absurdities and incongruities of the administration.<sup>35</sup> He asked what this Parliament could do for us? Could it get us Reciprocity, or other measures relating to our commerce<sup>36</sup> which the people were looking for<sup>37</sup>? The address was full of inconsistencies, and one of the most absurd documents which had ever come before the House.<sup>38</sup> He would ask them to explain one fact.<sup>39</sup> The ministry could not deny, that<sup>40</sup> there were certain persons--he did not choose to call them rebels or traitors, he wished those words were expunged from the dictionary--who had broken through the laws of the land in rather a prominent manner, and they had been raised to offices of trust and emolument; while the parties who had signed the manifesto<sup>41</sup> asking for a peaceable separation<sup>42</sup> without infringing on any law had been degraded and displaced,<sup>43</sup> for exercising constitutional rights.<sup>44</sup> Nothing, in his opinion, could be more unjust or inconsistent. Now he did not mean to make any personal attack on the head of the Government, but he thought he might be permitted to say he<sup>45</sup> condemned the Head of the Government for degrading loyal men for exercising this privilege at the request of such men as his present advisers.<sup>46</sup> Where was, he would again ask, consistency in such conduct? He contended that the dismissals had created a great deal of discontent throughout the country<sup>47</sup>. In his opinion, he (Lord Elgin) ought to have told his ministry to take no steps on the manifesto or the petition, to treat it with perfect silence, and if the people were not favourable to the views they contained, the agitation would die away itself. If he had done so, he would possibly have been placed in the position assumed by Lord Metcalfe--that truly noble Governor, who would not submit to their domination--and like him, he (Lord Elgin) would have entitled himself to the gratitude and respect of the people, and would undoubtedly be supported by them.<sup>48</sup> He contended that the dismissals had created a great deal of discontent throughout the country.<sup>49</sup> Were not the people of the counties of Sherbrooke, Stanstead, and the Western District, disgusted at the course pursued by Government? Were not the merchants of Montreal disgusted with the same? He called upon the Conservative members of the House to support his amendment, not that he asked them to agree with its principles,<sup>50</sup> on the broad principles of justice,<sup>51</sup> for the purpose of asserting the right of free discussion.<sup>52</sup> How much soever they might be opposed to him on the principle of independence or Annexation<sup>53</sup>, he could not believe that they would join in sanctioning the conduct of the ministers in that respect.

He concluded by moving the following amendment<sup>54</sup>.

(22)

*Mr. Prince moved in amendment to the Question, seconded by Mr. DeWitt, That all the words after "House" in the eighteenth paragraph to the end of the Question, be left out, and the words "regrets that the policy of Great Britain towards this Colony, and the conduct of the Government here, should have been such as to give cause to many of the most loyal and upright men in this country to seek for a remedy to the evils they complain of in a change of our Institutions; and this House cannot admit that the declaration of political sentiments, not coupled with any hostile intent against the Crown and Sovereignty of Great Britain, is sufficient to warrant the Executive in dismissing persons from offices of honor; and that such a proceeding is, in the opinion of this House, calculated to increase the prevailing discontent," added instead thereof;*

MR. M. CAMERON (Kent) said he was very glad that this question had come before the House in its present subject form, as<sup>55</sup> he was desirous to express his sentiments upon it, and he hoped they would not be misunderstood.<sup>56</sup> The hon. member who had just spoken had made an allusion to his constituents on the middle road.<sup>57</sup> But he believed that what he was about to say would be responded to, not by<sup>58</sup> the great majority of the people of Kent, who were almost universally opposed to the Annexation movement, and satisfied with the liberality of England<sup>59</sup>, but by the whole constituency of Upper Canada.<sup>60</sup>



COL. PRINCE explained. The people he spoke of were, not the hon. member's constituents. They resided within the County of Essex.<sup>61</sup>

MR. M. CAMERON continued.--He would then say nothing more on that point.<sup>62</sup> ((He)) believed that what preserved this Province to Great Britain in 1837, and rendered the people patient under the misrule of the Tory party here, was a firm confidence in the liberality and justice of the Imperial Government<sup>63</sup>, a belief that the Home Government would give them self government, and allow them to manage their own affairs,<sup>64</sup> a belief that the Provincial Administration did not possess the confidence of the authorities at home, particularly on the subject of the Clergy Reserves<sup>65</sup> and that it would not approve of the conduct of the then Governor General.<sup>66</sup> He believed that opinion was general, and when he himself went in 1837 to offer his services in the defence of the country, to the Governor, he (Mr. C.) told him then that although he was willing to defend the Province, he was as much opposed to the Government and its views as he had ever been;<sup>67</sup> he had nevertheless, confidence in the Imperial authorities in England<sup>68</sup> and he would appeal to Sir Allan MacNab, whether he had not written on the handspike with which he operated in moving on the cannon on the frontier that it was for the Queen, the Kirk, and the Country that he was willing to fight, but not for the Government.<sup>69</sup> He strongly defended the administration for taking the course they did, in dismissing the signers of the Annexation document<sup>70</sup>. The ministers had no other course than the one which had been pursued<sup>71</sup>--they ought to have resigned.<sup>72</sup> If he could make any objection to their conduct, it would be because they had not acted with sufficient promptness. (Hear, hear, hear.)<sup>73</sup> He did not care for any specious promises of only desiring to bring about a peaceable subversion of the Government.<sup>74</sup> The moment the manifesto appeared, every man who put his name to it, ought to have been dismissed, and more especially the gentleman who sat behind him, (Mr. Holmes,) as he more especially deserves it. That hon. member was not the man to back out from any views he had once expressed--not he. He would go on steadily, step by step, till at last he took up his musket to support his arguments. (Hear, hear.) And when that was the case, how would it be possible for him (Mr. C.) or any other man, if called out to defend the country, to feel any confidence while acting with him. For himself, he had always avowed his attachment to Great Britain, because she had acted in liberal spirit towards the Colonies, and<sup>75</sup> desired that the people of this country should manage their own affairs; but if he thought that that connexion was disadvantageous, that it was injuring our trade,<sup>76</sup> he should not have waited for the consent of Great Britain to a separation, but would immediately take steps to obtain it; but<sup>77</sup> he was opposed to Annexation, because we had great advantages which we should lose by joining the United States; and because we were always treated well and liberally.<sup>78</sup> He held that that connexion was beneficial<sup>79</sup> but at the same time he stood up for the right of petition, and had voted with the Annexationists in support of that right<sup>80</sup> and had opposed the rejection of the one for independence; and if it were presented to another House, he did not think the reception would be refused,--if it was, it would be accepted by the Home Government.<sup>81</sup> Neither would he put down the discussion of the subject<sup>82</sup> as he was convinced that a separation would be injurious to the Province, he was determined to adopt the opposite course, and resist a separation by every means in his power<sup>83</sup> for when our connexion with Great Britain could not bear argument--when its advantages could not be made apparent--then it would be time to abandon it.<sup>84</sup>

SIR A. MACNAB said, that the case of Mr. Holmes cited by the hon. member who preceded him was a very unfavourable one for the Ministry, as that gentleman,<sup>85</sup> the very foremost leader of the Annexationists,<sup>86</sup> still held his commission as colonel of a regiment, and he called on him to state whether he was not correct.<sup>87</sup>

MR. AT. GEN. BALDWIN--It must be a mistake. The hon. member holds no commission.<sup>88</sup>

SIR A. MACNAB appealed to the hon. member for Montreal.<sup>89</sup>



MR. HOLMES said that he had resigned his commission four years ago, and it had been accepted; but to his great surprise he found his name afterwards in the Gazette as Col. Holmes.<sup>90</sup> OR MR. HOLMES stated that four years since he resigned his commission, but for some reason which he did not know, he had been allowed to retain his rank, and still retained it.<sup>91</sup> OR MR. HOLMES did not know that he held the office, and made an explanation to the effect that he did not know whether he should be considered as a militia colonel or not.<sup>92</sup>

SIR A. MACNAB--That was exactly what he had stated. The hon. member, who was a prominent supporter of the government during the last four years, and a leading annexationist, still retained his commission<sup>93</sup> in the militia<sup>94</sup>.

MR. INSP. GEN. HINCKS--The hon. member must perceive from the remark of the hon. Attorney General, that the government was not aware of the fact.<sup>95</sup>

SIR A. MACNAB continued--No man ought to be better acquainted with those matters than the hon. Inspector General, who had taken a deep interest in them; and raised from the ranks men who had never done a day's duty, and made one of them a full Colonel. The honorable gentleman then contrasted the position of Mr. Holmes, who retained his commission,<sup>96</sup> while others were dismissed<sup>97</sup>, merely because he<sup>98</sup> was the most influential supporter the ministry possessed and this was their justice.<sup>99</sup> He was told that another gentleman, who had not even taken the oath of allegiance (sic), had been appointed a colonel of militia.... What was the conduct of ministry towards Col. Knowlton<sup>100</sup>, Col. Ogilvie, who had served in 1837 with such zeal<sup>101</sup> and others in Lower Canada?<sup>102</sup> Col. Odell, ... although he had been in the midst of the disturbances, and performed his duty in such a manner as to merit the thanks of the authorities, had been summarily dismissed by the present administration through motives of revenge.<sup>103</sup> He thought there was something very ungrateful in action taken towards loyal men who had always been foremost in the defence of their country. It looked like revenge to him.<sup>104</sup> He blamed the Government for allowing four months to elapse from the issuing of the manifesto, before they dismissed from office the parties who signed it, and said it was done with the design of getting as many as possible of their opponents into their net, before they raised their anchor. Their design was to destroy them altogether<sup>105</sup>, for their courage in 1837. He could not think that the ministry had dismissed them from patriotism; for it was they,<sup>106</sup> the Attorney Generals of Upper and Lower Canada<sup>107</sup>, who were the principal cause of the events which had given rise to a desire for annexation.<sup>108</sup> Yes, particularly the Attorney General for U. Canada, who had always been tinkering up constitutions. He knew that the hon. member for Kent had done his duty manfully during the rebellion; but he could not say the same for some other of his colleagues.<sup>109</sup> He was told that he ought not to make allusions to these things, but he would do so, because, he repeated, the ministry were the causes of the disturbances in 1837, and those which had subsequently taken place. He was therefore not disposed to go with them in degrading those loyal men who had, in former times, done their duty. He believed that there were not more loyal men than were the annexationists of Montreal. (Laughter.)<sup>110</sup> (Hear, hear,) and thought they had been badly used.<sup>111</sup> They might laugh, but he would contend that they were loyal, although they had committed a great blunder, in signing the manifesto, and he was sure that many of them would be glad if they could retrace their steps. He was then, and had always been, opposed to annexation, but<sup>112</sup> he could not support Ministers in their arbitrary measures, believing as he did that they were covertly supporting the movement, and secretly were its best friends.<sup>113</sup> What did La Minerve<sup>114</sup>, a paper published in Montreal, and which was well known to speak the sentiments of the Hon. Mr. Lafontaine<sup>115</sup>, say? Why, ... it<sup>116</sup> declared in plain English that it was not opposed to annexation, and that it supported the Government because it was convinced that they would bring it about sooner than any other body of men in the Province.<sup>117</sup>

MR. INSP. GEN. HINCKS and MR. SOL. GEN. DRUMMOND said that nothing of the kind

was to be found in the Minerve.<sup>118</sup>

SIR A. MACNAB would read the paragraph, if he could find the paper.<sup>119</sup> And some confusion arose; he said it was in the number of the 12th July last, which somebody had taken off the fyle, and<sup>120</sup> he then read something which appeared to be an extract from the Minerve, made by another person.<sup>121</sup> That journal stated it was opposed (sic) to annexation, and gave its support to the Administration because they, sooner than any other, would carry that desirable object<sup>122</sup> because they had done more than any other to bring the cry for it about.<sup>123</sup>

MR. INSP. GEN. HINCKS said that the very language was sufficient to prove that the hon. gentlemen had not read that from the Minerve, which, as was well known, was published in French. Besides, it appeared to be put in third person; for instance, "he says."<sup>124</sup>

SIR A. MACNAB--The extract was from the Minerve. He would get the paper<sup>125</sup> tomorrow<sup>126</sup>, and read it to the hon. gentleman, in order to convince him.<sup>127</sup> Sir Allan concluded by condemning the whole conduct of Ministers since their accession to power, he declared he thought the annexationists infinitely more than they were, and that time would prove it.<sup>128</sup>

MR. LYON said, it appeared to him, from the numerous amendments proposed, that the House was called upon to vote, not so much on the address, as on the opinions of individual members. It was a kind of warfare calculated to embarrass<sup>129</sup> the government<sup>130</sup>, but would inevitably<sup>131</sup> show the country that the opposition wanted to protract the proceedings of the House.<sup>132</sup> Now, with regard to the question of annexation, he concurred most heartily with the Government in the view they had taken of the duty that was imposed on them, and argued with Mr. Cameron that if there was any fault, it was in their movements being too tardy<sup>133</sup>, in dismissing from office those who had signed the Annexation Manifesto<sup>134</sup>. He should like to ask hon. gentlemen, who complained of the conduct of the Government as unjust, whether they would have done otherwise, if they had not been in opposition. As he was convinced that they would have acted precisely in the same way themselves, he was convinced that this opposition was unfair, and unjust. There were no doubt many arguments that could be urged in favour of annexation, by the agricultural and mercantile classes, but,<sup>135</sup> with reciprocity the arguments in favor of annexation would be done away with; and<sup>136</sup> as had been very properly said in the speech, Parliament had within itself the means of redressing all grievances. That was perfectly true, and it was also true, that under our present system of government, we enjoyed a greater degree of freedom than is possessed in the States, as the government holds office immediately from the people, and a want of confidence vote was sufficient to dismiss them at any moment. In the States, it was quite the reverse. The President and his Cabinet being there elected for four years, could adopt any course, at their own pleasure, and govern in direct opposition to the wish of the people as they actually do at this moment. He well knew, however, that the people feared that there was nothing to prevent a governor from usurping the whole power and governing the majority by means of the minority, and that was one reason why they wished for annexation. Now, it was worth while enquiring to whom we are indebted for this movement in favour of annexation? He remembered well that it was stated by hon. members who are now in opposition, that a change was about to take place in the opinions of the people, and although annexation was not then named, it was distinctly pointed out. He also remembered the apprehension that was excited in the minds of hon. members on this side of the house, by those insinuations, and that it was increased by the declaration of Col. Gagy,<sup>137</sup> ((who)) seemed to have gone over to the ministry,<sup>138</sup> ((and whom)) he recollected ... assert emphatically that the royal assent given to a certain bill would have the effect of absolving Canadian subjects from their allegiance<sup>139</sup>. (Hear, hear.) What did all this lead to, but annexation? It was sufficient to



prove to him that the agitation emanated from certain hon. gentlemen who were in opposition to the government of the day. He had also heard of another body that had attempted to legislate for the country--advocated retrenchment, an elective Council, and hinted at annexation as a means of carrying out their views. Now one thing was certain, that whatever were the views of any one or all those parties, they had failed to carry them out, and in fact had abandoned them. He did not think, therefore, that any great danger was to be apprehended of its doing much mischief just now. The hon. gentleman then<sup>140</sup> added he would touch on a few subjects in the address. We were there informed that the country was in a flourishing state, and that Canadian securities had risen in the English markets<sup>141</sup>, ((and)) had been sold at par, but he did not see that the government had made any use of the proceeds for the purpose of effecting public improvements, and he believed that the opinion had gone forth, that the government was opposed to public improvements.<sup>142</sup> But he found no allusion to these matters in the address. The country wanted to know whether they intended to carry on improvements or not. That portion of the country which he represented, had received very little of the public money,<sup>143</sup> although the works that had been erected there had paid from ten to twelve per cent on the outlay<sup>144</sup>, and the sums which had been voted last session, for roads communicating with Montreal, had been expended upon improving<sup>145</sup> two roads<sup>146</sup> which adjoined Toronto<sup>147</sup>, instead of funds having been applied to local improvements,<sup>148</sup> ((such as)) Lake St. Peter<sup>149</sup>. If such a course be pursued, it would create a suspicion in the minds of the country, that the government did not make an equitable distribution of the public money for improvements.<sup>150</sup> He could not say if (sic) to their constituents or not. They would have an opportunity of explaining. With reference to the representation bill alluded to in the speech, some places would return two members, while those with more inhabitants returned only one. He found no reference made to the system of voting by ballot, which would prevent the people from coming under influence of the merchants<sup>151</sup>, and ... was, in his opinion, absolutely necessary, in order to secure purity of election.<sup>152</sup> He thought an increase in the elective franchise was necessary.<sup>153</sup> He condemned the Government for the course taken with regard to the courts. He conceived that equity jurisdiction might advantageously be vested in the law Courts. The reform of the Court had not even gone so far as the reform of the chancery Court in England. He read extracts from<sup>154</sup> Fillmore<sup>155</sup> an English law work condemning in strongest terms the Court of Chancery<sup>156</sup>, ((which)) was in his opinion unreformed and unreformable.<sup>157</sup> The power to legislate ought to be taken from Judges; we may legislate here, and the Judges by their rules may neutralize all the efforts of the Legislature.<sup>158</sup> He declared that the expenses, etc. of that Court made the poor man shrink from them<sup>159</sup> with horror. The wealthy were afraid of them ((also))<sup>160</sup> nor did it meet the object for which it was constituted. It was the craft of the lawyers of Toronto, the men who made money out of it, which made them argue in its favour, and oppose every reform.<sup>161</sup> The extension of the jurisdiction of the inferior Courts was also objectionable as it overburthens them, and taken away from the Court of Common Pleas, and the Court of Queen's Bench the trifling amount of business that they have now.<sup>162</sup> He continued to read a number of extracts condemnatory of the principle of Chancery Courts. It was to the reform of the abuses of that Court that government ought to have applied itself, instead of having contented itself with pointing out the rules of the Chancellor.<sup>163</sup> He had expected that the Government would not try to shirk the question of retrenchment;<sup>164</sup> the country looked with very great suspicion on the intentions of the administration. He had expected that they would have come down with some well digested measure. He taunted the Ministry with their former cries, when they were in opposition, against that system of excessive expenditure which had grown up under the old Tory system.<sup>165</sup> It had always been said, ... that a liberal ministry only wanted an opportunity to set the matter right.<sup>166</sup> He now thought that they were going to violate their promise of that time<sup>167</sup> by saying that they would submit it to a Committee, from which it might be safely inferred<sup>168</sup> that the chances were two to



one against anything being done eventually, if the committee were composed of Clear Grits, and those who had always been opposed to retrenchment, and under whose management the present enormous expense of the government had grown up.<sup>169</sup> They had also said, that they were unable to legislate upon the Clergy Reserve question, because it had been constituted by an Imperial Statute, but he had always heard that the House had power to legislate on every local question, and he held that that was a local question, and one of the greatest importance.--Besides, they had been called upon to legislate upon it, by Lord Sydenham.<sup>170</sup> It was with some pain that he found it necessary to throw any degree of blame on the ministry<sup>171</sup>, but their silence on these important topics led him to doubt their sincerity.<sup>172</sup> He hoped that the numerous propositions about to be submitted to the house, would inspire them with that degree of courage which was necessary to carry out the reforms expected from them.<sup>173</sup>

MR. CAYLEY said he was not prepared to support the amendment proposed by the hon. member for Essex; he was not prepared to condemn the dismissal from office of those who had formally avowed their desire to sever the link between the province and the mother country, but he condemned, most emphatically condemned, the unscrupulous exercise of the Royal Prerogative to which the Administration had very frequently had recourse<sup>174</sup> for merely party purposes.<sup>175</sup> He had spoken of it on a former occasion in the case of Mr. Dixon; he considered that it had been most cruelly exercised in the case of Mr. Stanton, Collector of Customs at Toronto. The Administration desired to secure that situation for one of their own people; they sent for Mr. Mendell from Brockville, placed in his hands the charges to be brought against Mr. Stanton, and instructed him to proceed with the investigation. What a farce on justice it was to see combined in the same person the accuser, judge advocate, judge and successor. The matter was soon disposed of,--Mr. Stanton was promptly arraigned, tried, condemned and succeeded by Mr. Mendell. He (Mr. Cayley) was not prepared to condemn the Imperial Government for what they had done in entire ignorance of the facts--a state of ignorance in which they had been designedly kept by the Provincial Government--however much he regretted that the Royal assent had not been withheld from the Rebellion Losses Bill; at the same time he was not surprised to learn that many loyal and upright men, disappointed at the altered commercial policy of Great Britain towards her colonies, at the virtual destruction of the Upper House by large packed additions, and the compensation given to rebels, were disposed to seek for a remedy to the evils they complained of in a change of our institutions. The change which seemed more particularly to interest, and to be canvassed in the Province, was the making the Upper House elective.<sup>176</sup> He regretted the packing of the Legislative Council, but still he knew there were many upright men in that body.<sup>177</sup> At that moment he was not prepared to give his opinion on so important a subject, especially in connection with certain views broached in the amendment to which he was not prepared to give his assent.<sup>178</sup>

MR. H. SHERWOOD said, he had not heard the whole discussion on the question, but he would<sup>179</sup> very energetically<sup>180</sup> oppose<sup>181</sup> Col. Prince's amendment. Had the Government not taken those measures they would have been justly charged with conniving at these measures--and the country would never support such a Government.<sup>182</sup> He said he differed from his hon. friend in regard to annexation and independence, he looked upon their advocacy as being wrong; it was nothing less than constructive treason<sup>183</sup> yet the misconduct of the Government had greatly increased, if it did not create the feeling.<sup>184</sup> He would not go into the discussion of the motives of the annexationists, he did not think it advisable to do so.<sup>185</sup> The evils to remedy which annexation was demanded would not be removed by it and ... they might be removed by means at present under our own control. If gentlemen who had sworn allegiance to the Crown, afterwards do everything in their power to separate us from that Crown, he could see no other course for the government than to dismiss them from their offices and not permit them to use the influence obtained through them to thwart the government in every possible way.<sup>186</sup> Why did not the Government

act in trying to put them down?--Why permit to abrogate? The country would have supported them had they to rise en masse to do so. When he approved of the course the Government had taken, he did so to persuade them to show the same firmness, to put down all such movements in future. Were he holding a situation under Government, he should most decidedly give it up before expressing his views, were they in opposition.<sup>187</sup> He was prepared fully to approve of the exercise of the prerogative in this instance, and he hoped, should any future occasion arise, they would act in the same manner, and they should have his support. But he approved of what the hon. member for Huron had said, that they had<sup>188</sup> exercised their prerogative of dismissal in some cases in the most wanton, cruel and unjust manner. The case of Mr. Dixon was one of the worst he had ever heard of in his life<sup>189</sup>, ((and)) ... had his disapprobation and his condemnation. The hon. gentleman went fully into the conduct of the Government in Mr. Dixon's case<sup>190</sup>. Although he looked upon most of the dismissals justifiable; still, the discharging from office of Mr. Dixon, was one of the most unjust and iniquitous proceedings he had ever had occasion to witness. He had already commented on the unscrupulous acting in that instance before, but there were several others of a similar nature. In the case of Mr. Dixon,<sup>191</sup> a petition was sent to government making certain charges against that gentleman, and praying for an investigation,<sup>192</sup> he was charged, not with taking steps in direct opposition to the Government, but in expressing his views;<sup>193</sup> and a copy of this document was sent to him without the names;<sup>194</sup> and Mr. Dixon was required to give explanations.<sup>195</sup> He replied that the allegations were not true, and that he was ready to explain when he heard the names of his accusers<sup>196</sup>, but the Government informed him he could not get them<sup>197</sup>, and he was dismissed.<sup>198</sup> He would ask, was he not entitled to his accusers' names?<sup>199</sup> No man should be brought before any tribunal, and be refused the names of his accusers; by refusing that act of justice, the government had screened those persons who might be the most worthless of the people. It did no harm to that gentleman, however, as the sympathies of the public always went with men who were ill treated. He knew nothing absolutely to justify the annexation movement, but he did not wonder at its progress when he considered the<sup>200</sup> misconduct on the part of the Government.<sup>201</sup> The commercial distress had prepared the public mind for any change, however desperate, and the Rebellion Losses Bill was like the torch to the train of powder. He (Mr. Sherwood) had recently changed his views on the subject of an Elective Legislative Council, and he was now disposed to advocate its adoption<sup>202</sup>, because he thought it had been rendered a mere tool.<sup>203</sup> He would have no objection to the present system, if the prerogative were properly exercised; but<sup>204</sup> he was forced, as a member of this house, to take this ground to protect himself from the swamping of the other house by the tools of the administration<sup>205</sup>. They had recently seen that house packed with twelve or fifteen members by the present ministry to pass particular measures,<sup>206</sup> and by whom the infamous measure, the indemnity bill, of last session was passed<sup>207</sup>, and when a change of government took place another addition would be required to balance these, and what kind of body would it be which daily received additions of the tools of the administration of the day.<sup>208</sup> The present Legislative Council was one of the most useless appendages, and was everywhere so regarded. If the elective principle were applied to it,<sup>209</sup> it would be filled by the men of highest reputation and intellect in the country; it would be looked up to as was the United States Senate, for all the wisdom in the land; this house would then be passed over, and all the wisdom of the country would be collected in the upper house; we should have a new state of political existence, and every body would be happy and every body contented.<sup>210</sup> ((Now)) it was looked up to with disgust by the people of the country. In the United States situations were not sought by members, but the parties were there sought by the people.<sup>211</sup> He would doubtless have another opportunity of saying something further on the subjects brought forward in the speech, and he more particularly alluded to the vague manner in which retrenchment had been alluded to--a question ... which<sup>212</sup> had been taken up by the country in the most zealous manner<sup>213</sup>. The speech is altogether silent in regard



to that all-absorbing topic--<sup>214</sup> ironical cries of hear, hear<sup>215</sup>--although the hon. the Inspector General did try to make him believe it was noticed in the speech--but the speech is too general.<sup>216</sup> There ought to have been distinct mention of particular points on which retrenchment might be affected<sup>217</sup>. He expected there would have been an invitation to enquire into the amount of salaries paid, &c.<sup>218</sup> They should have begun at the top of the ladder, and with thousands of pounds instead of some poor clerk.<sup>219</sup>

MR. INSP. GEN. HINCKS said, it never was referred to so particularly in the speech.<sup>220</sup>

MR. H. SHERWOOD proceeded,--<sup>221</sup> Well it was so in England.<sup>222</sup> The hon. gentleman also blamed the Ministers for not taking a stand, either on one side or the other, on the "Clergy Reserves".<sup>223</sup> The subject of the reserves was one of the most troublesome that head (sic) ever agitated the country. Such a subject the ministry ought to treat as a Cabinet question or oppose it as a ministry, and if they failed they ought to retire.<sup>224</sup> He would ask why? He was not prepared to support it; but it was in regard to principle that he thought it should have been referred to; it was a question which had created a great deal of sensation; they should have come out like men; it was not carrying out responsible government; it was a sign of their weakness; he looked upon it as a piece of political cowardice.<sup>225</sup> Had he (Mr. S.) been in office he would have again and again been taunted with it by gentlemen opposite.<sup>226</sup> He should vote against the amendment.<sup>227</sup>

MR. ROBINSON differed from his hon. friend the member for Toronto<sup>228</sup>. ((He)) thought that if the Government had not made those dismissals, the subject would have dropt. Instead of stopping it in the bud, they allowed it to proceed for four months. It might have done an immensity of mischief in four months.<sup>229</sup> He did not think that those persons who signed the Manifesto even intended to separate from England without her consent. The whole tenor of that document was unexceptionable in tone; but he denied its premises and conclusions. He thought the signers had been most harshly used. He considered that they were quite incapable of violence or intending anything criminal.<sup>230</sup> He denied most emphatically, that the country was going to "ruin and decay." Mr. Holmes was one of those gentlemen, and he has been a firm supporter of the Government for several years past.<sup>231</sup> He asked why the other 1200 who signed the document had not been punished as well as those who happened to hold offices? Why was that paper the Independent allowed to go on? He did not think that government should have dismissed those they did, though it would have done much better to have reasoned with them. Had they done so they would have heard no more of annexation.<sup>232</sup> He should vote for the amendment, provided the hon. mover would allow the alteration which he was about to suggest<sup>233</sup>, he would have preferred it, if the latter clause had been struck out.<sup>234</sup>

The amendment was altered to suit the Hon. Mr. Robinson.<sup>235</sup>

MR. INSP. GEN. HINCKS said that the ground upon which hon. gentlemen opposite disapproved of the recent dismissals was, that the parties who had been thus dealt with, were loyal men in 1837<sup>236</sup> and '38, and that, consequently, they were so still<sup>237</sup>, and the gallant knight said, many were originally annexationists who were not so now. But<sup>238</sup> he said those hon. gentlemen seem to forget, that<sup>239</sup> a similar policy had been adopted by the government of a former day, which they supported, and when<sup>240</sup> several dismissals were made for a far less trivial thing--on the mere supposition that they were getting up public meetings of a political nature<sup>241</sup>, and that formerly magistrates were dismissed simply for differing in political opinions. He introduced the case of Mr. Geo. Ridout.<sup>242</sup> Mr. Ridout had not agitated for annexation, but was accused of attending a political public meeting, at which he never spoke; the practice then was, to dismiss persons merely on account of difference of opinion. But gentlemen forgot what it was important they should not lose sight of--that it does not follow, that because men were disloyal at a former period they still remained such; he would suppose that every man on these



benches had been engaged in a former rebellion; which<sup>243</sup> the hon. member for Richelieu had stated on the previous evening,<sup>244</sup> was not a rebellion against the Queen, but against the system of government.<sup>245</sup> In all cases when the party wished to retract, he was heard by the Government.<sup>246</sup> He did not intend to reply to any of the charges made against the administration of being rebels and traitors, he would avoid all recrimination and all offensive language.<sup>247</sup> But he would suppose for the sake of argument, that all were so implicated; whatever might have been their previous standing, the government were bound to adopt that course which they had recently pursued. If they consulted history it would be found, that the administration of Sir Robert Walpole had to dismiss persons, whom the gallant knight would characterize as most loyal men. Circumstances might render such a course necessary. It was not what a man was in 1838, but what is he at the present time; and persons must be judged by their own declarations. The gallant knight said parties were sorry for what they had done; but if such were the case, the government had no knowledge of it, and there was every desire not to press hard upon persons who were willing to retract erroneous opinions; but when members of the administration were charged with being disloyal, and reference had been distinctly made to the Attorney General of Lower Canada, it became<sup>248</sup> much more necessary for the present administration to take severe measures to put down this movement<sup>249</sup> to bring about separation now<sup>250</sup> as they were peculiarly liable to be charged with secretly (sic) abetting the movement<sup>251</sup>. Had the government not acted as they have done, what would have been said of them in that Parliament--what would have been said in England?<sup>252</sup> That they were favorable to annexation<sup>253</sup>? Had they not met the movement as they did, they would have been charged with secretly encouraging it, particularly when the hon. member for Montreal, and others with whom several of the administration had been associated during their entire political life, were engaged in the proceeding alluded to.<sup>254</sup> They did not wish to act the hypocrite<sup>255</sup> and he believed<sup>256</sup> the effect of the action of government ... had been beneficial<sup>257</sup>, had been generally approved of by the country<sup>258</sup>, and had given a check to the agitation, which was then going on uninterruptedly. The member for Missisquoi had read an article to the House on a former day, which he found in an old newspaper, for the purpose of showing his (Mr. H.'s) inconsistency, because at that time he asserted that persons who were in favor of annexation had a right to discuss it. There was no objection on the part of the Government to a full and fair discussion, but at the same time those who vindicated the severance of these Colonies from the Parent State<sup>259</sup>, aid((ing)) in the dismemberment of the empire<sup>260</sup>, must not expect to retain offices of<sup>261</sup> honour<sup>262</sup>, power or emolument under the Crown.<sup>263</sup> Beyond not allowing those who were in favor of it to hold office under government, nothing farther had been done. There had been no state prosecutions.<sup>264</sup> Even in this House annexation had been advocated, and<sup>265</sup> he was satisfied parties had privileges in this respect which could not have been granted to them in any other country, particularly when the member for the County of Sherbrooke, an American, had been allowed in a British Parliament to vindicate the annexation of this Province to the United States.<sup>266</sup> He (Mr. H.) was surprised at his boldness.<sup>267</sup> Would any person from Canada dare, under similar circumstances, in an American House of Representatives, to propose the annexation of one of the United States to this Province?<sup>268</sup> In what state of the Union would an Englishman be allowed to get up in Congress and advocate the annexation of that State to the Crown of Great Britain.<sup>269</sup> In no other Legislature in the world would any one venture to attempt such an outrage. He (Mr. H.) drew a wide distinction between a native born British subject, and an American citizen, who had availed himself of the liberality of our laws boldly to stand up on the floor of that House and propose the annexation of the Province to the neighboring Republic. The Government had been charged with unnecessary delay in adopting the measures alluded to. He had not the dates with him; but<sup>270</sup> he had a good memory<sup>271</sup>. Owing to peculiar circumstances, the Government not being entirely removed from Montreal, whatever delay had taken place was unavoidable.<sup>272</sup> He had just arrived at New York from England when he was told by a Can-

adian merchant who was on his way to England, that the Montreal manifesto would appear in a very few days, and that the gentleman who told him so felt afraid about it. He had also been told that the hon. the gallant knight and the hon. member for Simcoe were the foremost in it. He immediately went to Montreal, and from thence to Drummondville. The secretary was absent at the time, but it could not have been more than three or four days between the issuing of the manifesto and the meeting at Drummondville, when steps were immediately taken<sup>273</sup> at the very first meeting of Cabinet<sup>274</sup>.

SIR A. MACNAB--And made known four months afterwards.<sup>275</sup>

MR. INSP. GEN. HINCKS ((continued)): If steps were not taken earlier in accordance with that decision, it was because the Government had not been then sufficiently organized, and might be considered as in a transition state.<sup>276</sup> It was not to be supposed that the government in pursuing the course which had called forth the animadversions of gentlemen opposite, were actuated by motives of revenge; when on every occasion either personal or public, it was with great pain they felt compelled to act as they did.<sup>277</sup> The delay of action had been in consequence of the removal of the Seat of Government.<sup>278</sup> The member for the city of Toronto had referred to a topic which had been fully discussed already -- the Legislative Council<sup>279</sup>. He would not then discuss whether it might be desirable to apply the principle of election to the Legislative Council : he did not think it was the time. But<sup>280</sup> he would reply to the charge brought against the Government by the hon. member, of having swamped that body, in order to pursue the course they did last year. Had they done so, however, it would only have been following the example formerly set by the tories when in power<sup>281</sup>. The hon. gentlemen always concealed the fact, that during the time when the Conservative Administration were in power, they had then a majority<sup>282</sup> after swamping the Legislative Council once, and finding the majority would probably obstruct their proceedings, swamped it again.<sup>283</sup> Gentlemen opposite, had forgotten the appointment of persons belonging to the party, on his (Mr. H.'s) side of the House on former occasions.<sup>284</sup> Since that period several have been removed and Mr. Justice Sullivan for one.<sup>285</sup> Last year, till the close of the session, the majority of the Legislative Council meagrely was opposed to the Administration; and at present politically, that body represents very fairly public opinion. But, when the hon. members (sic) talks of the Legislative Council being a check upon party representation; he (Mr. H.) should like to know, if that hon. member wanted such a body as existed at one time in Upper Canada, when for seven successive sessions, during which there were three new Parliaments, they voted against a measure almost unanimously passed by the Lower House. That was what gentlemen opposite wanted; and they would not be satisfied unless that body was so constituted, that it would act in opposition to the Assembly.<sup>286</sup> It had also been said, that members had been introduced to enable the government to carry their measures; one of their most prominent opponents, was at that time appointed; he meant Mr. Jones, upon whose support they never relied, and from whom no pledge was asked or required. He would ask gentlemen if Mr. De Beaujeu was put into the Council in the expectation that he would be the advocate of liberal measures, was it not owing to his wealth and standing, and as due to the class to which he belonged.<sup>287</sup> As to the comparison that had been made, between the Legislative Council and the House of Peers, a more conclusive answer could not be given than is contained in some remarks that fell from the Marquis of Lansdowne. The members of the House of Peers, he said, are never reduced in number; but when a member dies his son, as the successor to his title, succeeds him. It therefore did not become necessary, on the part of the crown, to supply vacancies. But when dealing with a body composed of persons who merely held their seats for life, and which might be rendered vacant by their death or removal from the Province, or appointment to certain offices, it became necessary to make new appointments. He stated that when the present Ministry made appointments there was an insufficiency of members in it.<sup>288</sup> The learned member for Toronto had also spoken of retrenchment, and had referred



to the expressions in the speech, at the opening of the Session, as not going sufficiently far.<sup>289</sup> He was surprised to hear the hon. member for Toronto's great cry for retrenchment<sup>290</sup>. It was the same language he (Mr. H.) believed, which was used in England on similar occasions, and when measures of retrenchment were contemplated. As to the present civil list,<sup>291</sup> that very member moved the present civil list,<sup>292</sup> himself. If the salaries were too high, that gentleman brought in the scale, and was more responsible for its correctness than any other member.<sup>293</sup> As to the course which the government mean to take, it was impossible, during the long debate that had taken place, but that its members should be drawn into explanations, which had better have come up when committees were formed, and when they would be prepared to show that the course which they had adopted, was that which has been pursued in England during the last sixty years, and that it is the proper course, and most likely to satisfy the country, and which did not remove the responsibility from the Administration.<sup>294</sup> The hon. gentleman said, he was surprised at the strange manner in which the Clergy Reserves had been alluded to. He admitted that it was not desirable for a government to have open questions, and he regretted that it could not be made a government measure.<sup>295</sup> This Parliament has not the power to deal with it<sup>296</sup>. It was a question for Imperial legislation.<sup>297</sup> But did the hon. gentleman forget, that when it was a mere local question, and the Clergy Reserves were not regulated by Act of Parliament, it was then made an open question by a former Administration; and the members of government were found voting against each other, just as he presumed would be the case during the present Session in this case<sup>298</sup> although doubtless, it was much better when all colleagues could be got to agree on all questions; for his own part he wished he could get his hon. colleague, the hon. Attorney General East, (Mr. LaFontaine,) to agree with him on the Clergy Reserve question.<sup>299</sup>

Hear, hear, from the opposition.<sup>300</sup>

MR. INSP. GEN. HINCKS ((continued:)) The honble. member for Huron had made reference to the dismissal of the Collector of Toronto, and had stated that the person who succeeded him was his accuser and his judge.<sup>301</sup> He was not in the House when the allusion was made, but ... the gentleman who made the statement was entirely mistaken.<sup>302</sup> He would say a few words, he had investigated himself<sup>303</sup>, personally<sup>304</sup>, and upon his report and responsibility the government acted.<sup>305</sup>

MR. CAYLEY enquired if he had conducted the examination himself.<sup>306</sup>

MR. INSP. GEN. HINCKS answered no.<sup>307</sup> Mr. Mendell, it was true, examined persons as to the amount of money which they had paid in, and for which no credit had been given, or entry made in the Custom-House books but he (Mr. H.) added up the cash book himself, which he requested Mr. Stanton to examine, and see if he had made the additions correctly, when there appeared to be a deficiency of £700, which he (Mr. S.) had not paid over. With that branch of the enquiry therefore, Mr. M. had nothing to do.<sup>308</sup> It had been conducted by Mr. Dunscomb and himself.<sup>309</sup> There was one particular fact, to which he would call the attention of the House, one firm in Toronto, Ross, Mitchell & Co., made four payments in one day, amounting to £1100, by a check on the Bank for £1000, and notes and debentures for the remainder; on that day, but three entries were made on the books, and the other amounted to some three hundred and odd pounds. In every case where deficiencies had occurred before, there was no proof to fix it on Mr. Stanton, as Mr. Roy very improperly was allowed to receive monies also. But in this case Mr. Stanton deposited the check himself,<sup>310</sup> in the Bank, for it had been traced<sup>311</sup>, and should have had all the entries made. His explanation was most unsatisfactory, and must everywhere create an unfavourable impression. He (Mr. H.) wished to state distinctly, that up to the time when this occurrence took place, he had entertained the highest opinion of Mr. Stanton<sup>312</sup>, and he deeply regretted it.<sup>313</sup> As to the charges that were brought against that gentleman, with them Mr. Mendell had nothing to do. Parties had stated to him (Mr. H.) facts which rendered an inquiry neces-



sary, and Mr. Mendell happening to be in Toronto, he was requested to conduct it, and therefore should have been paid, from which he endeavoured to be excused, but which he (Mr. H.) insisted upon, as essential to the public service<sup>314</sup> although he knew it would be a very painful duty<sup>315</sup>, and Mr. Mendell ought not to have suffered for so doing.<sup>316</sup> Mr. Mendell had only been employed to investigate the amount of the deficiency.<sup>317</sup> He however, conducted the investigation himself, and Mr. Mendell went to the several merchants to ascertain what amounts they had paid; he added up the columns himself, and then asked Mr. Stanton to do the same, to see that they were correct.<sup>318</sup> In reply to a question from the opposition benches, which we did not distinctly hear, Mr. Hincks stated that he had not intended to introduce the subject alluded to, as he supposed Mr. Stanton would put the House in possession of such explanation as he could afford. But with reference to the payments made by Messrs. Ross, Mitchell, & Co.,<sup>319</sup> Mr. Stanton's explanation was,<sup>320</sup> his mind had become completely confused, as he said, he thought they should not have paid so large an amount of duty,<sup>321</sup> and he had detained it for some time, to ascertain if it was correct.<sup>322</sup> He therefore made the three entries, supposing the fourth would not be required. But allowing this statement to be correct, as extraordinary as it might appear, it<sup>323</sup> appeared clear to every gentleman<sup>324</sup> that a collector receiving money under such circumstances, would have immediately made the necessary investigation. Instead of which, he kept quiet for weeks; and it was not till the result of the investigation had been arrived at, that he said it had been a mistake, and he never had had time to make the necessary enquiries. If, however, Mr. Stanton had entertained any doubt in the first instance, as to the amount of duties that was paid being correct, he should have entered the money in the custom-house books, and then instituted the necessary enquiry. It must be remarked, that the parties who had paid the money, never made any complaint on the subject;<sup>325</sup> and is it very likely that any one would pay such amount as that without seeing that it was all correct.<sup>326</sup> He defended Mr. Mendell, and asserted that the duties which that gentleman undertook in the case were forced upon him, and therefore common justice would prevent that this should be a bar to his promotion.<sup>327</sup> He was a most efficient officer, and subsequently received the appointment.... In conclusion he would ask these gentlemen who were so desirous of bolstering up the conduct of Mr. Stanton, what other course the Government could have pursued than they did?<sup>328</sup>

MR. G. SHERWOOD (Brockville) would oppose the amendment, he regretted that the hon. and gallant Colonel should have introduced it; he regretted that any member of that House could think himself justified in rising in that House and advocate (sic) the dismemberment of the Empire.<sup>329</sup> It only showed, however, the freedom with which discussions were conducted there; and no where else, he believed, did so much toleration exist. He was satisfied that annexation would not be so beneficial as had been represented; but suspected, on the contrary, were it to take place, the result would be highly injurious to the province. That being the feeling which he entertained upon the subject, it became his duty, thus openly to express his sentiments. But while he entertained this opinion he thought that the people of Lower Canada had good cause for their conduct as to that subject. Protection had been withdrawn, and they felt that the conduct of the Government towards them, in passing the Rebellion Losses Bill, had rendered them no longer entitled to their respect. They thought it proper to pay rebels for the losses they sustained during the Rebellion, and then dismiss<sup>330</sup> those loyal men<sup>331</sup> for expressing their sentiments as to a separation from the parent state. Although the dismissal of persons holding commissions, who so acted, he considered as proper on the part of the Government, yet he did not approve of every instance in which the prerogatives had been exercised in this respect.<sup>332</sup> He cannot agree with the conduct of the Government in accepting the resignation, and then gazetting them as being dismissed. There were many whom he knew who felt so aggrieved that they thought it their duty to resign<sup>333</sup> their commissions in disgust,<sup>334</sup> and who were afterwards Gazetted as being dismissed.<sup>335</sup> This unjust course has been pursued by

them on several occasions to his knowledge.<sup>336</sup> Such conduct is improper.<sup>337</sup> There should have been more explanation given. He was not in the House when the amendment relative to the Court of Chancery was under discussion; but he was always opposed to that court, and was in favour of abolishing it completely. Even if it were necessary that it should ... the conduct of the Government in the recent appointments had not been consistent with economy; as he (Mr. Sherwood) suggested last session, that there should be but one judge presiding over the proceedings of that Court, which was quite sufficient for the duties he had to perform. The country, he then stated would not bear the Ministry out in the course they pursued in that instance, and he thought they would either have to repeal the law or resign.<sup>338</sup> With respect to the Common Pleas, notice has been given that the jurisdiction of the inferior Courts would be increased.<sup>339</sup> The effect ... would only be further to relieve the judges of the superior courts of a portion of their toil; and the Court of Appeal might be so framed as not to entail any additional expense upon the country.<sup>340</sup> He was not prepared to say that that Court ((of Common Pleas)) was altogether unnecessary.<sup>341</sup> He ... objected to the present composition of the Court ... and advocated its reform.<sup>342</sup> Much had been said relative to the Clergy Reserves, which it had been contended very properly should have been made a Government measure and he trusted no difference of opinion among the members of the Cabinet, would prevent the Attorney-General from passing a Bill. As to the removal of the seat of Government from Montreal, why leave to an individual the expenditure of £30,000 when the measure was opposed by the whole House. The Government themselves, however, assumed the responsibility by removing it<sup>343</sup>, in a manner which made it appear that ... ((the Governor)) was afraid for his life, and which he (Mr. S.) did not believe was the case.<sup>344</sup> They could have made preparations at Montreal for the reception of the Legislature, and should not have given the cowardly advice they did, and which showed that they had not the courage to remain there, which he thought it was the duty of the government to do, till peace should have been resumed. Other subjects had been introduced, as to which he would not detain the House by making any further remarks, but to which he would doubtless have the opportunity of alluding on future occasions.<sup>345</sup>

COL. GUGY would make a few remarks on the subject under discussion.<sup>346</sup> In reply to Sir Allan McNab and Mr. Robinson ((he)) denied the loyalty of the Annexationists.<sup>347</sup> Those persons who had signed the memorial for a separation from the Parent State, had forfeited the right of censuring persons who had previously been charged with disloyalty; that act had effectually closed their mouths, and they could not pretend to support those institutions of the country which they had expressed themselves willing to overturn. He did not believe their declaration, that they were not desirous of procuring separation, without the consent of the Parent state, he considered it a sort of saving clause, a pitiful evasion and subterfuge; and was merely intended to satisfy the minds of those who were hesitant until they were induced so far to implicate themselves, that they would find it impossible to retreat. Every person who was acquainted with history, knew that the object of those who desire to overturn the existing order of things, is first to agitate the public mind, and excite it to opposition to authority--from opposition it advanced to hatred--and hatred resulted in combat; and unless the movement of a separation is put down<sup>348</sup>, by the Legislature,<sup>349</sup> it will end in hostile collision. To his own knowledge, there are now<sup>350</sup> hundreds who would exult in carrying this question by force of arms. Can they poll every vote of the Province to ascertain every man's mind.<sup>351</sup> If it be not determined to carry it by force, why do the annexationists show such a resolution to discuss the question? If it were not intended to exasperate the question, why should their member for Sherbrooke presume to agitate it in this House?<sup>352</sup> In the County of Sherbrooke, there are persons, who declare that they are determined by force of arms to procure annexation and make Canada a second Texas. If such were not the intention of the principal movers in this scheme, why continue to agitate the subject; after the determination of the British Government, as communicated through the authorized channel, to prevent the



contemplated dismemberment of the empire--why is it that a person is found coming forward in that House, who has resided in the Province but a short time, and who is perhaps still an alien and citizen of the United States--at all events has but recently become a British Subject--and unblushingly expressing his desire in a British Parliament, for the annexation of the Province to a foreign state.<sup>353</sup> He was at a loss to understand it.<sup>354</sup> He (Col. G.) knew if an attempt were made to overrun the country, that three hundred thousand men would fly to arms repel (sic) the invaders;<sup>355</sup> to defend the institutions of the country<sup>356</sup>, but he could not allow the opinion to go forth uncontradicted, that a large portion of the inhabitants of Caanda were willing to submit to such an inroad as had been made upon Texas; and the movers should be taught that they had already taken the first step in a wrong cause.<sup>357</sup> Were he to set up his previous loyalty as giving him a right to overturn the institutions of the country, he should expose himself to condemnation.<sup>358</sup> If persons were found combining to overrun the institutions of the country, should not those who cherish their institutions combine to sustain them? If the others were about to attack, were they not to defend? The true conservatives are those who are desirous of maintaining the institutions of the Province. He (Col. G.) looked to principles and not men, and he should watch both sides of the House, for parties had become so mixed up that they were in the utmost confusion--resembling a paper of pins thrown into disorder, when compared with the regularity with which they had been originally arranged<sup>359</sup>, before the annexation question came up, ... head and points and wrapt up in the same paper.<sup>360</sup> The hon. member for Sherbrooke, Mr. Sanborn, had said the annexation movement did not originate in the Rebellion Losses Bill, and had expressed himself very dogmatically with reference to the measure, and also as to the course he meant to pursue, with reference to the administration during the present session.<sup>361</sup> He would state, that it might be understood elsewhere, that<sup>362</sup> that bill was not intended to pay rebels, he (Col. G.) had no communication with the ministry that such had not been the case, but was satisfied it would be shown by the papers which would be produced relative to the proceedings of the commission and which must satisfy the public mind.<sup>363</sup> The manner in which the Royal assent was given to the Rebellion Losses Bill, was not without precedent, there was therefore some excuse for it.<sup>364</sup> After the outrages perpetrated at Montreal, he said they had been justly and universally so condemned; he took a decided part against the bill which produced them.<sup>365</sup> The hopes of the Conservative Party had been buried in the ashes of the Parliament House.<sup>366</sup> And when he saw the Parliament House in flames, he told a friend that with them they destroyed the hopes of the Annexation party, and to which the encouragement they had yielded to a separation from the Parent State, had given the finishing blow.<sup>367</sup> There could be no hope of a party that was supported by such persons. His support of the government would be limited to their annexation policy. He thought it an excellent opportunity to call the attention of the House and rousing the attention of the country to the impolicy of extending political privileges to persons of Mr. Sanborn's<sup>368</sup> the honorable member for the county of Sherbrooke<sup>369</sup>, class<sup>370</sup>, whose professions to support the administration were not all reconcilable with his declarations in favour of annexing Canada to the United States.<sup>371</sup> The hon. gentleman here poured forth a heap of abuse on the Hon. Member from the county of Sherbrooke<sup>372</sup>. The<sup>373</sup> fresh Yankee prejudices,<sup>374</sup> which he (Mr. S.) had openly avowed, when he recently had taken his seat in that House, and who must be considered as a foreigner and an alien, showed the impropriety of admitting to the privileges which he now enjoyed, persons of his class and description, who would openly voice a desire of annexing Canada to the universal Yankee nation; and to effect which would pull down the<sup>375</sup> pillar that upholds the roof that shelters him. We had had the joke without the banjo: but he (Col. G.) hoped that next time the member for Sherbrooke introduced his joke, he would black his face and appear as a wandering<sup>376</sup> negro<sup>377</sup> minstrel, for which he was undoubtedly as well qualified as for that of a representative.<sup>378</sup> He hoped the occurrence would call the attention of the Legislature to the impropriety of al-



lowing men so actuated, who could neither appreciate nor be actuated by the British feelings, from taking seats as legislators in future. Nothing, Col. G. said, was more detestable than the Yankee slang in which the hon. member had indulged, and which was used by a class which was certainly the most perverse, if they were not the most vicious; and which he was sorry to see used in a House where only gentlemen should assemble and what, he would ask, could be the object of those aliens who were thus endeavouring to overturn the institutions of this Province, other than to embroil the United States in a war with England. He would call the attention of members to what is now going on in the island of Cuba where a set of scoundrels from the neighbouring republic, like beasts were devouring all that came within their reach, and who did not respect man, woman or child. And were persons to be allowed to settle in this Province, who are aliens by birth and in disposition, and protected by the laws of England deliberately to plan the ultimate perpetration of similar excesses here?<sup>379</sup> He said that gentleman had mentioned the other evening that he was good at turning short corners, but he should like to know the meaning of that phrase. He heard of obtuse angles, acute angles, and right angles, but "short corners" was like a square circle or or a circular square.<sup>380</sup> As Mr. S. had said his (Col. G's) popularity might be affected by the course he was pursuing, this he should, regret, but he did not believe such would be the result; at all events he should prefer the maintenance of opinions which he had expressed, to being floated into the House, as the hon. member had been with a mere majority, while he, Col. G., had received unanimous support from his constituency, who had left him free with regard to annexation, to adopt any course which he might deem proper. The hon. member, he said, had<sup>381</sup> had to go round with his banjo and<sup>382</sup> resorted to a common trick--that of putting into the mouths of others expressions which they did not use, that he Mr. S. might hereafter avail himself of the misrepresentations when making some gossip speech, and consequently, what he (Col. G.) had said in allusion to men who had been ruined by speculation or commercial disaster, or who were notorious for their indulgence in every form of vice, and who expected to be benefitted by any changes that would uproot society having awaited the list of annexationists, his language had been tortured into the expression that all annexationists were of that stamp. With reference to the conduct of the hon. member himself since he entered the house, had he not sworn before Mr. Speaker and in the presence of his God, allegiance and loyalty to the Queen of Great Britain? How could he then immediately after rise in his place, and declare his desire to effect the severance of any portion of her dominion--it was a terrible contradiction. Not only had the member who had been returned for Sherbrooke acted thus as to a public measure<sup>383</sup>. While his (Mr. S's) election was being contested he was sitting in his house bedaubing every one opposed to him, with the terms rogue, rascal, and forger.<sup>384</sup> Did he mean by such a course to operate on the Committee, or to affect the evidence and destroy what ought to be extended to the witnesses who might be brought against him?<sup>385</sup> He (Col. G.) thought the member for the County of Sherbrooke, should have waited to discover whether he be entitled to his seat.<sup>386</sup> He could not say how far he was entitled to a seat in this House as he had been elected by a very small majority, and it could not have been very flattering to him.<sup>387</sup> He (Col. G.) would say in conclusion, that he had dwelt longer than perhaps was necessary, on the course pursued by the hon. member for Sherbrooke, who possessed all that coolness and address, which is peculiar to the class to which he belongs, and who would say and do things in the most offensive manner; but he would find that such a mode of procedure would not answer in that House--at all events, the petition of annexation, in favour of which he (Mr. S.) had expressed himself so warmly, had found but five or six supporters.<sup>388</sup>

MR. SANBORN rose to say a few remarks in answer to Mr. Gagy<sup>389</sup>. He had been complimented<sup>390</sup> by members on both sides of the House for the candor with which<sup>391</sup> he had acquitted himself in his first speech; but the honorable gentleman from

the town of Sherbrooke had made several allusions to his former speech, which he could not allow to pass. He had been accused of using Yankee slang, but he thought there was other slang besides Yankee slang, and that his honorable friend had indulged a good deal in British slang.<sup>392</sup> The hon. gentleman ... had referred particularly to the position which he (Mr. S.) occupied in that House, because he was opposed to the administration on the subject of annexation, did it follow that he should not support them in carrying out liberal measures? and whenever they introduced such they should have his support. The hon. member had cast an imputation on him, as not being of British origin and birth;<sup>393</sup> but had said that he (Mr. S.) was an alien, when he<sup>394</sup> presumed that gentleman did not know where he was born<sup>395</sup>, but he (Col. Gagy) had wished to vilify him.<sup>396</sup> At all events he was at present a British subject and had duties to perform in that House; he (Col. G.) had no right therefore to attack a young member in the manner he had just done, and who according to his (Col. G.'s) own statement, stood in a peculiar situation.<sup>397</sup> He trusted that as a young member he would be supported; he had acted independently<sup>398</sup> and conscientiously<sup>399</sup> and was not bound to either party.<sup>400</sup> He said he felt no desire again to allude to a subject which had been formerly before the House, but felt bound to repel the attack that had been made on him. He had not said the gallant member would not again be returned, nor was he so presumptuous as to suppose he could influence the constituency against him.<sup>401</sup> He had been told that during his absence, the Inspector General had made reference to him, but he was not sure as to what.<sup>402</sup> What he had previously said respecting the persons appointed to supply the place of those dismissed was true.<sup>403</sup>

MR. INSP. GEN. HINCKS explained, that he had said that the administration had only exercised the prerogative in cases when parties were in Government offices.<sup>404</sup>

MR. SOL. GEN. DRUMMOND, said the hon. member for Sherbrooke, Mr. Sanborn, had made an attack on a former day, on a particular friend of his, to which he had listened with astonishment<sup>405</sup>. He had heard the honorable gentleman ... complain that he had been alluded to during his absence;<sup>406</sup> and if it could have been considered as severe with reference to a member, who could reply to the charges brought against him, it was ten times more so, when the party against whom the attack was levelled was not present to defend himself.<sup>407</sup> In his maiden speech<sup>408</sup> he had said that a member of the Quebec bar, Mr. Felton,<sup>409</sup> an intimate friend of his<sup>410</sup>, had been disrobed.<sup>411</sup> As he had ceased to practice, he did not know if it were true, or for what reason. But he had since made enquiries, and found that the statement was totally unfounded—that he had never acted in the manner that had been described, and was never degraded; and as to the disrobing of a member of the profession, such an occurrence had never taken place at the Bar of Quebec or Montreal. And he (Mr. D.) must question if the member for Sherbrooke would dare to stand up in the presence of Mr. Felton, and repeat what he had said in that House. There was not a man of greater honour and integrity in the country than Mr. Felton. The very fact of his having enlisted the sympathies of so powerful an opposition as Mr. Sanborn met with, showed, not only, that he must have considerable influence in the County, but that he had the support of an highly influential and independent class of freeholders. He was aware that an annexation feeling had been got up in the County of Sherbrooke, and the hon. member had been indebted to the views he entertained upon this subject, for much of the support which he had obtained. But it was a very prevailing error to suppose that the Eastern Townships were all infected in the same manner. The hon. member for Missisquoi could say that was not the case in his County, and in the County of Stanstead there was a strong opposition to the movement, from which there was not a single petition for annexation; and in Missisquoi, after a desperate effort, only twelve signatures could be obtained. There were persons who signed the petition in the County of Sherbrooke, who supposed they were signing a petition for a road or to get rid of taxation; two instance (sic) of this kind came under his own



observation, while riding through the country<sup>412</sup>, and he was inclined to think the greater part who had signed that address, signed from mistaken motives.<sup>413</sup> When the manifesto came out, they met as soon as possible and in twenty-four hours a response was sent.<sup>414</sup> From information he had been able to obtain, he was satisfied that many of those who were in favour of the project of annexation, were willing to abandon it, if Reciprocity could be obtained with the United States; and in Montreal that was the prevailing feeling. But, history, the honourable gentleman said, afforded no instance so audacious as the recent proposition to separate from the Parent State, which had been so arduously agitated, and for annexing this Province to the neighbouring Republic; there was no complaint of oppression, nor of a bad form of government, or violated rights. But a set of men unblushingly came forward, and in the face of the world, expressed their desire to separate from the country of their birth, renounce their allegiance, and become citizens of a nation, in whose acts originated the pecuniary difficulties of which they complain as respects trade. To whatever party members might belong, they, as Canadians, were bound to support the Constitution, and as Reformers,<sup>415</sup> who had always contended for freedom under the British Constitution<sup>416</sup>, the obligation was more binding. For what was the accusation that was urged against them when they were struggling<sup>417</sup> for 12 years for the rights of British free-men,<sup>418</sup> but that the covert object was<sup>419</sup> republicanism and separation from England<sup>420</sup>, and that they wanted to annex themselves to the United States. It therefore behoved them to prove, that they are not the hypocrites they were represented; that they were actuated by higher motives than those which were attributed to them; and were only contending for their rights as British subjects. He would ask the hon. member for Sherbrooke, with all the slander and misrepresentations of the press at his command, what there had been affected in Lower Canada, and what progress annexation principles had made with the Lower Canadians? They had made no progress, and would make none. The gallant knight had said, that the organ of the Government had published an article in favour of annexation.<sup>421</sup> He did not recognise the Minerve as the organ of the Government, nor any other paper.<sup>422</sup> At that time tremendous efforts had been made to get the Minerve over to the annexationists but the proprietor had nobly resisted those efforts.<sup>423</sup> He well remembered one article of the 12th of July, in the Minerve,<sup>424</sup> on the subject of annexation, which had given great dissatisfaction<sup>425</sup> but<sup>426</sup> the words quoted by the gallant knight were not the same as appeared in the paper alluded to. By some accident the paper had been torn out of the file which had just been put into his hands, but whatever were its expressions, they were repudiated by every member of the Administration; and it would be found explicitly stated in the next paper, that in inserting the article in question, the editor was not acting with the knowledge or sanction of Government; but only expressing his own individual views.<sup>427</sup> He then read from the ... Minerve ... to show that that journal was opposed to annexation<sup>428</sup> and large bribes had been offered it.<sup>429</sup> He repudiated the idea of the "Minerve" being directed by the administration; or that ministers were answerable for what appeared in any paper in the province, either French or English.<sup>430</sup>

SIR A. MACNAB rose to explain.<sup>431</sup> It seemed that he was correct in the sentiments which he attributed to the paper of the 12th<sup>432</sup>. He was sorry the paper of the 12th July was absent. He did not know who could have taken it away; and was sure it could not have been members on his side of the house. The hon. member here read an extract from the Minerve in favor of annexation<sup>433</sup> but that the Editor had been induced, in the issue of the 16th, to repudiate the opposition that his views regarding annexation, were entertained by his party.<sup>434</sup>

MR. MCCONNELL said it was the intelligence, the bone and sinew of the County of Stanstead that signed the annexation document calling on their representative to express his opinions on the subject.<sup>435</sup> He denied, as, he said, Mr. Drummond had



stated, that most of them had signed it inadvertently (sic).<sup>436</sup>

MR. SOL. GEN. DRUMMOND said he did not say that the most of them had, but while passing through the city he had met two individuals who had done so, and he thought it very likely that others might have done so also.<sup>437</sup>

MR. HOLMES observed that his name had been frequently referred to in the present debate. The hon. member for Kent had stated that he believed he (Mr. Holmes) was prepared to shoulder his musket in defence of the opinions he held regarding annexation. That was not the case. He, and the gentlemen who had signed the manifesto had done so from a belief that annexation would be beneficial to the country, and could be secured with the peaceable consent of Great Britain, otherwise they would not have advocated it<sup>438</sup> but without the consent of England they thought it neither practicable nor desirable. No other opinion had they promulgated either in their publications or at public meetings.<sup>439</sup> He said he was not aware that he was holding a commission in the militia, when the dismissals took place, as he had tendered his resignation four years before; and although he was informed that his resignation would not be accepted, yet he considered it a mere complimentary affair, and that he was no longer an officer in the militia. He believed annexation would be attended with no advantage if the principles of Free Trade were in operation on both sides of the line; and that there were no natural resources to be found in the United States, that Canada does not possess.<sup>440</sup> He had heard a great many questions with regard to the benefit derived from the connection with Great Britain. He had been told that these benefits were many, but he contended that they would be much more increased by a connection with the United States....<sup>441</sup> Under annexation we should have the advantages of British capital and of a very extensive credit<sup>442</sup> which the people of this Province will not have while in a state of colonial dependence. Persons, he said, had gone from this Province, to procure capital, for the purpose of engaging in works of improvement which were sanctioned by Legislative enactment. But had they ever been successful? Yet let a person from the other side of the line proceed to England on a similar errand,<sup>443</sup> the English capitalists will immediately come forward with money, while they will deny it to the Canadian<sup>444</sup>. He illustrated this by a reference to the number of railroad charters on our Statute book<sup>445</sup> and how many charters have been granted for contemplated railroads, but which have never been completed from our inability to procure money in the English market.... The other day a Mr. Kelly, of Ohio, proceeded to Great Britain, and<sup>446</sup> the State of Ohio ... obtained a large quantity of railroad iron from the iron masters of Wales, at nine years credit, on the mere security of the bond of the President of a railroad company,<sup>447</sup> for which Mr. Kelly was agent<sup>448</sup>, and the payment of interest at 7 per cent.<sup>449</sup> He could give many similar examples, but he did not wish to take up the time of the House; however, he would say, that those who advocated Annexation, did so conscientiously, from a belief that separation would be beneficial to the country, and would remove a source of expense to England.<sup>450</sup> Notwithstanding what had been said to the contrary, the annexation movement had not been stayed;<sup>451</sup> nor cannot be stayed;<sup>452</sup> and he was satisfied the time would arrive, when not seven but seventy members of that House, would come forward and sign a petition for independence; and he believed the magnanimity of the British nation would induce them to grant it, when desired by a majority of the people. The movement to be opposed successfully must be met by argument<sup>453</sup>, and not by force; he would not possess its advantages, great as they would be, at the cost of one drop of human blood. (Hear, hear.)<sup>454</sup>

At the suggestion of MR. AT. GEN. BALDWIN, the House adjourned to 4 o'clock, P.M.<sup>455</sup>

MR. DEWITT addressed the House at considerable length, but was almost entirely inaudible in the reporters' box. He was understood to argue, that the population of the States being rich, powerful, and enterprising, a peaceful Union with

Canada must necessarily add considerably to the wealth and population of the latter.<sup>456</sup> He was ((also)) understood to argue for annexation as a necessity of our geographical position.<sup>457</sup>

MR. MEYERS was nearly inaudible. He was understood to say that he agreed with the<sup>458</sup> ministry in the step they had taken, in dismissing Magistrates and Militia Officers who had signed the manifesto. In his opinion, they had done no more than their duty.<sup>459</sup>

MR. H. BOULTON (Norfolk) defended himself from a charge made against him during the debate by Messrs. Hincks and Nelson<sup>460</sup> ((and)) vindicated himself from any desertion of the Reform party<sup>461</sup> ((and)) complained that he had been insulted by the administration. He thought that they ought rather to have thanked him for the manner in which he had acted towards them.<sup>462</sup> ((He)) asserted that he saw the rocks and shoals on which they were about to founder and his amendments saved them.<sup>463</sup> He had been charged with bringing forward his amendment to the indemnity bill last Session, at the instigation of the government, a charge which was wholly untrue.<sup>464</sup>

Hear, hear, from MR. INSP. GEN. HINCKS.<sup>465</sup>

MR. H. BOULTON ((resumed:)) Yes, the hon. gentleman might cry hear, hear; but every word was true, and but for his amendments would the home government have assented to the Bill?<sup>466</sup> He read from a speech of the Attorney-General in England to prove that some of the votes on the Canada question last year in the British Parliament, were given in favour of the Canadian ministry in consequence of the passing his (Mr. B's) amendment.<sup>467</sup> If he had not proposed it the government of England would have had no ground on which to found its argument, on which it supported the bill. He never tried to exercise any control over the hon. member for Richelieu and never said that he had, as the hon. gentleman had asserted.<sup>468</sup> No, that hon. gentleman had too much chivalry of spirit not to yield anything for the benefit of his character.<sup>469</sup> He knew perfectly well, and the public knew<sup>470</sup>. Under these circumstances it is ungenerous and unjust that accusations should be made against him both in and out of the House and he should be charged with calling himself a "Pillar of the State." Because,<sup>471</sup> if he had not voted those amendments they would never afterwards have seen addresses coming down from the West.<sup>472</sup> If that amendment moved by him had not passed, many of the deputations that went down from the West to support<sup>473</sup> Lord Elgin and the present administration<sup>474</sup> would not have gone. He instanced one case in the District of Niagara where a meeting was got up to petition against the indemnity bill, but his amendment arriving they expressed themselves satisfied, with it, and got up a petition supporting the policy of the government. And now a member (Mr. Hincks) took every occasion of taunting him (Mr. B.) with not acting with the Reform party.<sup>475</sup> He took it as unkind and unjust that they should now come down to stigmatize him. He did not think that the dismissals were justifiable; and he would like to know what they would be thought of in England.<sup>476</sup> We were only a parcel of insignificant colonists and therefore not entitled to the full privileges of England. He would quote from a speech of language stronger than was ever used by a colonist, except Patrick Henry, who said "one sovereign lost his head, another was chased from the throne, and George III --"<sup>477</sup>

Cries of treason, treason, arose--<sup>478</sup>

MR. H. BOULTON ((continued:))--may profit by the example." Mr. Boulton then read extracts from a speech of Mr. Fox, in which that statesman said<sup>479</sup> that during the American war they (Fox and Burke) had sympathized with the success of Washington, and the fall of Montgomerie.<sup>480</sup> He had rejoiced at the successes of Washington, and that British dominion had been so often repudiated in both North and South America, that there was no culpability in declaring it. Such were the sentiments of Fox gravely delivered perhaps in writing, in answer to questions put to



him in the House of Commons.<sup>481</sup> He then read from Mr. Stephens, to the effect that the bond which bound Canadians to their sovereign was not like that which bound those in the old world, and that he could not consider revolt as of an atrocious character. It was not an enviable position for them to be the only part of the new world which remained in a state of dependence. Such was the language of an Under Secretary of England, but he (Mr. B.) did not say that he agreed with it. He went on to read from this same gentleman, and then to show that he had been promoted. Yet we in this little petty colony must dismiss such a man as Mr. Molson of Montreal for the expression of his opinion.<sup>482</sup> Are people here to be censured for expressing opinions which are every day expressed in England? If the intelligence of the Province become convinced that our connection was constantly wasting our resources, it was folly to suppose that they would all remain satisfied with their condition. He was no annexationist, but he could see many advantages that would result from a close mercantile connection with the United States. He desired to see a perfectly free trade between Canada and the United States.<sup>483</sup> If we had an enlarged free trade, sweeping away all the revenue officers from Quebec to Montreal, we should have all the advantages of annexation, without its disadvantages. The Americans on the other side of the line were our brethren, our kith and kin, our relations. He asserted that we were as energetic a people as they were, and should progress as rapidly if we had the same advantages.<sup>484</sup> The prosperity of the United States was attributable to a perfect system of free trade between the different States. He mentioned instances of commercial transactions between Canada and the United States, to show the excessive inconvenience of the present restrictive commercial system between the two countries. On the legal question of the right of the people to discuss freely the political questions of annexation, and independence, he argued that there was nothing illegal in the conduct of the signers of the manifesto--there was no law in force by which they could be punished. Why then should they be punished by the vindictive (he did not use the term in an offensive sense,) power of the government. He believed that many of the annexationists were as loyal as<sup>485</sup> the Ministry, or himself,<sup>486</sup> and he considered himself as loyal as any body<sup>487</sup> or Lord John Russell.<sup>488</sup> Any discussion that was based upon false principles, might safely be allowed to wear itself out. He saw many amongst the dismissed annexationists who bore arms in defence of the unity of the Empire in 1837. He had been surprised at the slip made by the Inspector General when he said that the ministry being suspected of being disloyal, had all the greater reason for making these dismissals. Then with regard to the annexation newspapers, the Times and every other English paper had treated the question as one it was quite legitimate to discuss.<sup>489</sup> All public discussion was of great service in any country, and tended to bring out both sides of a question.<sup>490</sup>

DR. NELSON said, he had not, as yet, had an opportunity of expressing his views on the Speech from the throne. He would, therefore, avail himself of that opportunity, and at the same time endeavour to remove an impression that appeared to exist in the mind of the venerable member (hear, hear and laughter), for Norfolk; that he had rendered a great service to the government, by volunteering his services to induce him (Dr. N.) and two or three persons who had lost a considerable amount of property, to relinquish any claim they might have under the Indemnity Bill. Now, there was nothing very new in this. For, at the time the Upper Canada Indemnity bill was under consideration, and when he had been attacked in a rather severe manner, by a gentleman, who at present, does not sit in Parliament; he (Dr. N.) told the Attorney General West, that if an Indemnity Bill were passed for Upper Canada, it would be necessary to pass a similar measure in Lower Canada, but that he intended to repudiate any claim that he might have. He said that in the presence of his hon. friends, Mr. Scott of Two Mountains, and Mr. Cartier. That conversation, he believed, had been reported to the venerable member for Norfolk. Now, that hon'ble member's description of his interview with him, in the street in Montreal, was in the main correct.<sup>491</sup>



MR. H. BOULTON--In what respect was it incorrect.<sup>492</sup>

DR. NELSON would tell the hon. gentleman, if he were compelled to do so. There was an air of officiousness about the hon. gentleman, that was exceedingly disagreeable. He had every reason to believe that the hon. gentleman obtruded himself on the government--most certainly he obtruded himself on him, (Dr. N.). In short, the hon. gentleman exhibited qualities on that occasion, that he was convinced were not characteristic of a gentleman. The hon. gentleman, no doubt, remembered that when the Attorney General was informed that it was his intention to relinquish all claim for indemnity, he (Mr. Boulton) said, "you shall not lose by it," and was immediately corrected by the Attorney General, saying, "make no promises, sir!"<sup>493</sup>

MR. H. BOULTON did not make any promise.<sup>494</sup>

DR. NELSON. What! Did the hon. gentleman deny that? If he denied that--he would deny anything. He must say that from that moment, his respect for the hon. Attorney General West was greatly increased; for he perceived that he was an honorable man, who did not wish to make rash promises that he could not fulfil. Now he felt that it was necessary for him to revert to his past life, although it was with considerable pain, that he did so. It was true that in the eyes of the world, he might be looked on as a rebel, but he would ask, had he been proved to be a rebel? Had he ever been prosecuted for rebellion? No. He and five or six others wishing to restore peace to their country, yielded themselves to that high-minded nobleman, whose enlarged views and truly noble administration was attended with the most beneficial results. And when he and they left their native country it was under the impression that they would never see it again. And what was his position now? Why that nothing but an Imperial Act prevent him from taking legal proceedings against those parties, who had expatriated him, without proving him guilty of any offence. But he could say, and it was with delight that he did say it, that when the Bermuda Exiles heard of the course which events were taking, there was a unanimous feeling among them to surrender every claim, aye if they had claims for thousands, and leave every thing to the disposal of Lord Durham. He had another reason for referring to this subject. He had suffered more in every way than the hon. member for St. Maurice. Well he felt grateful,<sup>495</sup> heart and soul he was grateful<sup>496</sup>, he felt thankful to the British Government for the boon it had granted to him. It had granted more than he had ever asked<sup>497</sup>.

Hear, hear from MR. AT. GEN. LAFONTAINE<sup>498</sup>.

DR. NELSON continued: And every man of sense, reading or reflection knew how difficult it was to obtain a favour or a right from the powers that be. Well he had obtained what he asked, and more than he asked, and he felt proportionably grateful.<sup>499</sup>

Hear, hear, from MR. AT. GEN. LAFONTAINE<sup>500</sup>.

DR. NELSON continued: There was no crime more revolting, more disgusting than that of base ingratitude; and there was no man who had exhibited it in a stronger light than the hon. member for St. Maurice.<sup>501</sup>

Loud and prolonged laughter from MR. PAPINEAU.<sup>502</sup>

DR. NELSON continued: He (Mr. P.) had been granted more than he had ever rebelled for, and if he had a heart in his breast, he ought to act as another man had done; who disliked the government, and had the manliness of heart to say that he would never come back to cause further troubles.--Why did that hon. member return here, if he still disliked the Government? At least as he had returned, let him not attempt to renew strife again. Had not the blood that was shed through his means, and the tears of the widow and the orphan that he had caused to flow, any power to touch his heart? Yes, the hon. gentleman had a heart, but he had

proved that it was a false one, that could feel for himself alone! Was it because his wife and children had not been abused; had not been driven from their homes into the woods and the snows of winter, that he could not feel for others? There was not language strong enough to describe a man of that character, who was not fit to represent a set of savages, much less a constituency of brave and civilized people. For the peace of his country and the honour of that House, he hoped that after the next election, that hon. Member would not be suffered to pollute it with his presence. There was a possibility, there existed a chance, that the hon. Member might again enter its halls, for the purpose of marring the bright prospects that were before them, but most certainly it would not be the French Canadians that would enable him to do so.<sup>503</sup>

Hear, hear, from the French Members.<sup>504</sup>

DR. NELSON continued: It would be from some other quarter; by means of some new allies, that were hugging him to their breasts for purposes of their own<sup>505</sup>, to make use of him to raise that strife and evil in which he so much delighted, and to give expression to the energy, hatred and uncharitableness in which he so much rejoiced.<sup>506</sup>

Cheers from the Ministerial benches.<sup>507</sup>

DR. NELSON continued: The Hon. Gentleman then apologised, if he had ever on any occasion said anything calculated to hurt the feelings of Sir A. McNab. The (sic) was a good deal of sunshine in the life of that hon. Gentleman--fresh, green spots that it was pleasing to look upon; and although he (Dr. Nelson) found fault with many parts of his conduct--and he had no doubt the honourable Gentleman could find fault with him--yet there was a manliness of disposition, a bravery of heart about him, that caused him to be admired even in his greatest ebullitions of passion. He said this, because he had been an unfortunate man, but nevertheless had no desire to offend any one. As to the hon. member for Stanstead, he too had suffered great woes and performed very valorous feats. The hon. member for Stanstead's democratic habits had been completely upset in the unhappy times which were gone, and worse--much worse--the hon. member for Stanstead had been awakened in the night, and obliged to join a party of ten or a dozen men in order to capture a poor half famished, exhausted wretch. (Laughter.) He would say, "let those who live in glass houses refrain from throwing stones." An hon. gentleman sitting opposite, had alluded to him the other evening in a manner that hurt his feelings very much, for it should be remembered that altho' he was a spiller of blood, and a carver of bones--in a medical way--he was not without some feeling. (Hear, hear.) It had often afforded a balm to his heart in his most anxious moments. He would however say nothing more on that subject, but would have a touch at the gallant Colonel (Mr. Prince,) who had tipped him rather hard on two or three occasions. He could bear it however from that hon. gentleman; for there was a jovial John Bull frankness about the gallant Colonel, even in his fiercest moods that distinguished him very favorably from the hon. member for St. Maurice. (Laughter.) He would advise a small outlay, in order to have a large mirror placed opposite the seat of that hon. member. He (Mr. P.) thought it would have a very good effect, for when he got up to attack the Ministry--the point at which he certainly arrived at fast, however far from it he started--he would be able each time to see the worst passions of humanity depicted in his countenance--envy, hatred, malice, and uncharitableness. (Hear, hear, and laughter.) With regard to the removal of the Government to Toronto, and the riots last year in Montreal, he said that he never would have submitted to such a set of vagabonds, that dared to insult the Representative of their Sovereign, and fire the Parliament house over their heads--he would have crushed them and broken them down. However some good had resulted from the removal. The French members were made acquainted with their brethren in Upper Canada; and he for one would be able to tell his constituents, when he went back to the banks of the Richelieu, that the people of Upper Canada were not their enemies. (Cheers.) He would tell them that he wished they could come up themselves, and



they would see a skillful and enterprising people; and to say the truth, he did not think the Upper Canadians would lose a great deal by forming such an acquaintance; on the contrary, they would be delighted with the open hearted candor and frankness of their friends of the Lower Province. (Cheers.) Now with regard to the value of our securities. If the English people were aware that the Canadians are not all annexationists, and that they were determined not to throw off their allegiance, and if they knew that the people of Lower Canada did not desire a change--it was possible that there might be a few, but they were a very few, ambitious men that wished to raise themselves to power on the ashes of their country--if they knew all that, he had no doubt that they would freely advance whatever sums were required and might depend confidently on receiving on it a good interest. With regard to reciprocity<sup>508</sup> he contended that if the United States would not grant the reciprocity Canada so much desired, it was in the power of Great Britain to compel them to grant this act of justice by imposing prohibitory duties on<sup>509</sup> every single barrel of flour the Americans should send to England.<sup>510</sup> From a common sense view of the case, he was confident that it would be granted, as the Americans were too shrewd a people not to be aware that they would derive a benefit from it.<sup>511</sup> The honourable gentleman then commended the speech for the promise it gave of a reformation in the gaols, prisons and penitentiaries of the Province<sup>512</sup>. The management of prisons and asylums, was a subject which had received but too little attention in Canada. If we would but reflect how soon those who were dearest to us might be consigned to those melancholy abodes, we would become more interested in the matter. Many evils had been allowed to continue in our prisons for years, for want of a proper system of supervision, and he trusted that a great reform would be affected. The Administration had done a great service in the public by the appointment of the Penitentiary Commission of Enquiry; the able and luminous report of the commission, which he had carefully examined, manifested an extent of information on the subject of prison discipline and management, which had surprised him. The hon. member then referred to the evils existing in the gaols of Lower Canada, the improper mode of punishment by depriving the prisoners of food. Every body wished retrenchment, reasonable, necessary, wise retrenchment; they should not put twelve men to do three men's work; they should not employ Peter to tell John to order James to do so-and-so, but they should pay their officers well and work them well, so there should be no excuse for dishonesty. They should avoid the example of the United States, where the low salaries, and the principle that to the victor belonged the spoil, which was universally received, had produced speculation and dishonesty in every department. As to annexation, he could say from his own knowledge, that it received no countenance whatever in Lower Canada, and he believed from the information he had received, it had received as little in the Upper Province. They deceived themselves grossly, who imagined that any person of the loyal and peaceable people of Lower Canada favoured this movement. They saw nothing to envy in the institutions of the neighbouring country; they were better satisfied with the British Constitutional Government they already possessed.<sup>513</sup>

MR. J. CAMERON (Cornwall) did not think that it would do for the hon. member for Richelieu to rise night after night to taunt the annexationists, and at the same time justify the rebellion. When he recollected that there were widows made and children made orphans, and that the hon. member for Richelieu had a share in it, it ought to make him shudder. He had no sympathy with those who desired to sever the connection of this country from Britain. There was no sympathy with them on the part of gentlemen of his side of the house and could be none. He would support the government in taking proceedings against those men. He had given it as his opinion to the Attorney-General that the annexation manifesto was a seditious libel, and<sup>514</sup> did not blame the government for dismissing the annexationists from office, but he blamed them for not prosecuting them before doing so<sup>515</sup>. If the signing ((of)) the annexation manifesto were deserving of dismissal it demanded prosecution, and prosecution should have preceded dismissal.<sup>516</sup> He could



not attach much weight to fine drawn distinctions about peaceable separation. He referred to the career of O'Connell, and stated that he had made the same peaceable professions<sup>517</sup> in the case of the repeal agitation in Ireland.<sup>518</sup> The British Colonies ... had first prosecuted Mr. O'Connell and others before they dismissed any magistrates from office in Ireland.<sup>519</sup> But if Earl Grey was right in saying the parties were dismissed for signing the annexation manifesto, there were newspapers equally as obnoxious. A paper had been published in this city which published seditious articles, and which had been presented to him during the assizes, for his opinion respecting the character of the articles in it. He had expressed the opinion that the article submitted to him was a seditious libel, and he advised the Solicitor General West that a prosecution ought to be commenced; but the Attorney General West did not wish to take the responsibility of that course. He (Mr. C.) gave that advice not because he wished to stifle the expression of opinion; but because it was the proper course to pursue before any dismissals were made.<sup>520</sup> The recommendation to dismiss Mr. Mackenzie must have come from the government of this country, and this he considered paltry. He proceeded to treat at length, of the dismissal of Mr. Dixon<sup>521</sup> of London<sup>522</sup>, and the refusal of the names of his accusers<sup>523</sup> and to censure it strongly. He would like to know from the Attorney-General, West, if he could produce one precedent from Britain of a similar case. He could produce no precedent or authority to support him in the course he had taken towards Mr. Dixon<sup>524</sup>, and cited a similar case in England<sup>525</sup>, where complaints were made against a clerk of a local court in England to the House Secretary;<sup>526</sup> the party accused demanded the names of his accusers and<sup>527</sup> the name of the complainant was given ... a libel suit was instituted, and a verdict returned against him before the government had examined their case.<sup>528</sup> ((He)) announced that he should take an early day of moving for the papers connected with Mr. Dixon's case to prove if that House and a liberal Government would refuse the common justice due to all men, to know the names of those who made accusations against him.<sup>529</sup> He considered that the hon. Inspector General ought to have given more precise information in Mr. Stanton's case, and that he had kept back from the House very important information.<sup>530</sup> ((He)) complained that Mr. Hincks had kept back from the House the fact that the £700 it was asserted was deficient had been paid by Mr. Stanton twelve hours after the demand had been made, and that Mr. Stanton now claimed a balance due to him<sup>531</sup> to the amount of £160<sup>532</sup> from the Government; and asserted that Mr. Stanton demanded his trial, with which the Government had threatened him<sup>533</sup>. He had not told them either that the government had instituted proceedings against<sup>534</sup> his bail<sup>535</sup>, but had not brought the case to Court, although informed that the defendant was ready to go on with it.<sup>536</sup> For reasons best known to the Government, they declined at the present Assizes to proceed with it.<sup>537</sup> He charged the Inspector General with having been cognizant of the mode in which the business was conducted at the Custom House, for months before the investigation was commenced.<sup>538</sup> He was also told, that the government, or Mr. Dunscomb, the Inspector of Customs, was aware that monies were received by the subordinate officer, Mr. Roy. He then referred to the charge previously made, that Mr. Mendell had been the judge of the late collector, and then stepped into his place.<sup>539</sup> It was a precedent that would not be lost sight of by persons who might hereafter conduct similar investigations.<sup>540</sup> He enlarged on the evils of such a system, and said that no officer in the army, who could be benefitted by the dismissal of a delinquent, was permitted to sit upon a court martial.<sup>541</sup> There is something in hounding on of commissioners which would be highly discreditable to any government. If there were some circumstances in the case, the reasons of which did not at once appear, it was not reason for dismissing a man ((of Mr. Stanton's stature.))<sup>542</sup> He said that Mr. Stanton had served long and faithfully, both in his former office and that of collector, and he did not believe that his character would be destroyed by the statement of the Inspector General without proof. He supposed that he had no objection to the papers being sent down. Mr. Stanton had been called upon to settle his accounts in the middle of a quarter,

his own private accounts were mixed with those of the government; but<sup>543</sup> he would ask the hon. Inspector General, if Mr. Stanton had not paid up within twelve hours all that had been demanded of him?<sup>544</sup>

MR. INSP. GEN. HINCKS would not answer yes or no, but was ready to explain.<sup>545</sup>

MR. J. CAMERON:--The hon. member for Cornwall then proceeded at considerable length to justify Mr. Shanborn (sic), but stated that that gentleman would, doubtless, take an opportunity of putting himself right with the House and the country.<sup>546</sup> He could not understand how it was after the government organ had said there was no man in the Province fit to be Inspector General, a person had been taken from his own district and put in to the office.<sup>547</sup> Mr. Cameron then blamed the government for their appointment of the Warden of the Penitentiary, and for liberating Dr. Keyes from that institution,<sup>548</sup> under the pretence that he was insane, when in fact he was not so<sup>549</sup>. He was not practicing his profession in Brantford. The change in the management of the public roads, was the next subject of animadversion; the system of letting the roads by public contract had been changed, and the tolls collected by officials in order to find situations for the partizans of government.<sup>550</sup> He would like to know what the government had gained or lost by the system of giving out Road Inspectorships and Collectorships to political partizans who required propitiation.<sup>551</sup> He dared say that there had been a reduction, in consequence, of the amount of revenue<sup>552</sup> than under the old system under which the amounts were considerably and steadily increasing.<sup>553</sup> When complaints were made it was answered, that the practice of the former governments had been followed.<sup>554</sup> Then we had explanations of a minister's resignation in the newspapers, which degenerated into unseemly<sup>555</sup> squabbles after dinner speeches. When they ask for information the only answer received is that they have no explanation to give. The country had the right to require at the hands of government<sup>556</sup> or the member for Kent<sup>557</sup> some explanation on the subject, and would not be satisfied without it<sup>558</sup>, yet the government say they have no explanation to offer.<sup>559</sup> From a remark that fell from the hon. Inspector General, it was evident that a division between them had taken place on the subject of the Clergy Reserves.<sup>560</sup> The hon. gentleman said that if the government were convinced that the people demanded their destruction, the government, as a government, ought to take up the question, and if they did not so believe, they should not have mentioned them in their speeches.<sup>561</sup> He contended that whatever action was taken on the subject should be from the government. He felt sure that the people of the country when the time came would tell them that this was not the way they understood responsible government. He did not believe the feeling existed in the country against the Clergy Reserves to the extent asserted.<sup>562</sup> He was opposed to any interference with the Clergy Reserves, and<sup>563</sup> would never join in any measure to take away the clergy lands from their present appropriation in Lower Canada, and he did not believe one gentleman at present on that side of house would do so; but the members from Lower Canada should consider that their successors might not be so scrupulous, and that they would be apt to retaliate were the Clergy Reserves of Upper Canada taken away by Lower Canadian votes. He could not possibly join in the disapprobation of the British Government, although he regretted their change of policy<sup>564</sup>. He concluded by stating his intention of supporting ministers on all questions which affected the dismemberment of the Empire, and that he should vote against the amendments<sup>565</sup> condemning the annexation dismissals.<sup>566</sup> There was one foul blot in the neighbouring States which would prevent him from even desiring an alliance with them. He alluded to slavery.<sup>567</sup> He did not believe that we had anything to envy in the United States with her three millions of human beings in slavery; he knew of no part of that country which, to use an American phrase, had gone a-head more rapidly than Upper Canada. They had nothing to gain by annexation and everything to lose.<sup>568</sup> As to peaceable annexation, why the history of all revolutions showed that peaceable professions were always made at first.<sup>569</sup>



MR. INSP. GEN. HINCKS having been called upon by Mr. Cameron, to say whether £700 deficiency in Mr. Stanton's account had not been paid over in a quarter of an hour after it was asked for, explained<sup>570</sup> ((that)) the hon. gentleman was one of his securities and legal advisers. He wanted him to make some disclosures which would be improper. He considered the discussion extraordinary. He said he could not answer yes or no if Mr. Stanton had not paid up the sum alluded to. He (Mr. Stanton) admitted there was an apparent deficiency. He (Mr. H.) had found that there had been deficiencies week after week.<sup>571</sup> But ... ten days having elapsed subsequent to the investigation being made, and the deficiency not being paid in, he (Mr. H.) directed a letter to be sent Mr. Stanton, and the money was subsequently received.<sup>572</sup> The money the hon. gentleman had alluded to had been paid over; but did the hon. gentleman mean to assert that that had any bearing on the merits of the question?<sup>573</sup> ((He)) declined on the ground of policy to go into statements of the course which the Government intended to pursue as to the actions for the recovery of large defalcations, whether on the part of the Collector or his Deputy he was not able to say.<sup>574</sup>

COL. PRINCE said the ministry seemed as if they were dumbfounded, and had not a single excuse to offer for their conduct. He thought the hon. Inspector ought to be ashamed for the contumely on the head of the hon. member for Sherbrooke. He asked how he knew that he was an alien?<sup>575</sup>

MR. INSP. GEN. HINCKS explained that he had said the member for the County of Sherbrooke had at one time been an American and that none of us would be permitted to go to an American Legislature and advocate monarchical institutions.<sup>576</sup>

COL. PRINCE:-- He considered the dismissal of Mr. Stanton unjustifiable even on the explanation of the Inspector General; and the appointment of Mr. Mendal (sic) as most indecent. Another instance of the tyranny, and he would add the corruption of the ministry.<sup>577</sup> Col. Prince made a very amusing comment upon Dr. Nelson's statement that the Lunatic Asylum patients had been fed on cocilus indicus and nox vomics<sup>578</sup> to the merriment of the house. His hon. and gallant friend from the town of Sherbrooke had made some remarks not very justifiable against the hon. member from the county of Sherbrooke. He did remember the time when the hon. member from the town of Sherbrooke did not speak quite so tenderly of the hon. Inspector General. He did not think the hon. member could go over to that side of the house, as it would be an alliance too unnatural. The hon. member could not bear to join a government as unjust as it was corrupt.<sup>579</sup> He again challenged the Attorney General West and all his clique to prosecute him for expressing his opinions. He knew the amendment would not pass, party would prevent it, but<sup>580</sup> he had heard nothing from either side of the house that could justify it for refusing his amendment.<sup>581</sup> If hon. members placed their hands upon their hearts they would feel that they ought to vote for it.<sup>582</sup>

DR. NELSON said a few remarks in explanation of Colonel Prince's facetiousness at his expense.<sup>583</sup>

MR. MORIN the SPEAKER then put Col. Prince's amendment.<sup>584</sup>

(22)

*And the Question being put on the Amendment; the House divided: and the names being called for, they were taken down, as follow:--*

YEAS.

*Messieurs Badgley, Boulton of NORFOLK, Boulton of TORONTO, Christie, DeWitt, Egan, Holmes, Sir Allan N. MacNab, McConnell, McLean, Papineau, Prince, Robinson, and Sanborn.--(14.)*

NAYS.

*Messieurs Armstrong, Attorney General Baldwin, Bouthillier, Cameron of CORNWALL,*



Cameron of KENT, Cartier, Cayley, Chabot, Chauveau, Davignon, Solicitor General Drummond, Duchesnay, Dumas, Fergusson, Fortier, Fournier, Gagy, Hincks, Jobin, Lacoste, Attorney General LaFontaine, LaTerrière, Laurin, Lemieux, Lyon, Malloch, McFarland, Merritt, Méthot, Meyers, Mongenais, Morrison, Nelson, Notman, Price, Richards, Ross, Sawageau, Scott of BYTOWN, Scott of TWO MOUNTAINS, Sherwood of BROCKVILLE, Sherwood of TORONTO, Smith of DURHAM, Smith of WENTWORTH, Taché, and Viger.--(46.)

So it passed in the Negative.

And the main Question being again proposed;

The Honorable Mr. Boulton moved in amendment thereto, seconded by Mr. DeWitt, That all the words after "That" in the eighteenth paragraph to the end of the Question, be left out, and the words "while this House deeply regrets that the altered policy which the Parent State has felt it necessary to adopt for her own advantage, and quite irrespective of Colonial interests, has led many loyal men in this Province to consider whether they might not, with equal right, review their own position as Canadians, thus substantially changed to their detriment; yet this House is not prepared to concur with Your Excellency in the opinion that persons, many of whom have heretofore perilled their lives and fortunes, and sacrificed their property in the defence of the unity of the Empire, should, while suffering under the adverse circumstances which have since befallen them, and which they believe are the result of that change of policy which they could neither avert nor control, and without any misconduct of their own, be now dealt with as persons innately disloyal and scarcely less than traitors, and unworthy of longer being retained in Her Majesty's service:

"That this House is firmly convinced that the great body of the people of this Province will yield to no other portion of Her Majesty's subjects in loyalty to Her Majesty and attachment to the Parent State, but they would fail in their duty to Her Majesty were they to abstain from expressing a strong opinion to Your Excellency, that it is not by distrusting some and punishing others, and stifling discussion, through fear of official displeasure, that erroneous opinions either of duty or interest are to be eradicated, but by upholding and maintaining that greatest guarantee of national freedom, the right of free discussion," added instead thereof;

And the Question being put on the Amendment; the House divided: and the names being called for, they were taken down, as follow:--

YEAS.

Messieurs Boulton of NORFOLK, Boulton of TORONTO, Christie, DeWitt, Holmes, Sir Allan N. MacNab, McConnell, McLean, Papineau, Prince, Robinson, and Sanborn.--(12.)

NAYS.

Messieurs Armstrong, Attorney General Baldwin, Bouthillier, Cameron of CORNWALL, Cameron of KENT, Cartier, Cauchon, Chabot, Chauveau, Davignon, Solicitor General Drummond, Duchesnay, Dumas, Fergusson, Fortier, Fournier, Gagy, Guillet, Hincks, Jobin, Lacoste, Attorney General LaFontaine, LaTerrière, Laurin, Lemieux, Malloch, McFarland, Merritt, Méthot, Mongenais, Morrison, Nelson, Notman, Price, Richards, Ross, Sawageau, Scott of BYTOWN, Scott of TWO MOUNTAINS, Sherwood of BROCKVILLE, Sherwood of TORONTO, Smith of DURHAM, Smith of WENTWORTH, Taché, and Viger.--(45.)

So it passed in the Negative.

And the main Question being again proposed;

MR. M. CAMERON addressed the house, reviewing the speech at the opening of the Session, very generally; with reference to much of which, he said, the house were unanimous in its approval. Notwithstanding the endeavors that had been made to injure the public credit of the Province, by persons in England and elsewhere, who had circulated unfounded reports, as to a desire on the part of the people of

this Province to be annexed to the United States, in relation to which they were grossly mistaken : the members of the house would be surprised to hear that the debentures in the English market had all been taken up; which was a proof that the Province was not ruined, either in trade or reputation. Last fall, owing to the zeal and energy of the inhabitants of the city of Montreal, and the opening of the Portland Railroad to a certain extent, trade was returning to that city; and he was satisfied, that in two years it would exceed what it was five years ago--as the reception of fifty or sixty thousand dollars in tolls on canals, consequent upon the arrival of foreign vessels, must have a beneficial tendency; and arrivals are at present expected from New Orleans and other parts of the United States. As to an internal reciprocal free trade between that Republic and the Province, he felt satisfied that that would be the result of the present discussions in Congress on the subject; and when he was at Washington, he regretted to find persons from this Province using their influence to prevent the accomplishment of so desirable an object for both countries, which would effectually destroy the annexation movement. In the United States, he said, the only opposition to the proposed measure originated with the canal interest. The government of the Province were doubtless prepared to give more extensive information; and he was satisfied that Canada is in a more prosperous condition than any State in the Union; and which possesses the advantage<sup>585</sup> which Mr. Holmes asked to be informed of,<sup>586</sup> which the others do not possess, of appropriating their revenue to works of local improvement. There they have a higher tariff, the proceeds of which must go into the treasury of the general government, to be spent in a Mexican war, and to maintain slavery; while here the Legislature had the controul, annually, of three or four millions of dollars.<sup>587</sup> He differed, however, from the Government in their policy on this point. It was proper that annexationists should be answered this pertinent question if we have these revenues what is become of them?<sup>588</sup> It was notorious, he said, that the United States government had never made a mile of road throughout that extensive country. He admitted there were grounds of complaint here; and the people naturally ask what becomes of the immense revenue which it received, as it was not spent in forming harbours and making roads that are required throughout the Province.<sup>589</sup> He contended that the harbours should be sold to individuals; but that the revenues of the country should be applied to keeping them up, and making post roads, &c. He thought too, that Government might have found a mercantile agent, instead of sending Mr. Tiffany, a lawyer. He continued to comment on the other topics in the speech<sup>590</sup>. With reference to postage all parties would be benefitted by increased facilities, and by a reduction, such as might be effected; and as to representation, it should undoubtedly be based on population, and nothing less than this, and the abolishing the small townships, would satisfy that house and the country.<sup>591</sup> He referred to the expression "illusory" in the speech, in reference to Retrenchment, and denied that the expectations of the country, on this point, were illusory, and condemned the practice of referring such subjects to Committees.<sup>592</sup> The reforms intended with respect to prison discipline and the penitentiary, he hoped would be such as were worthy of humanity. The subject of the Court of Chancery, he said, had been fully discussed; but the language in the speech, on the question of retrenchment, he thought was ill advised, as the people had made up their minds for an extensive reform, by the government, in that respect<sup>593</sup>.

Hear, hear, from MR. AT. GEN. LAFONTAINE.<sup>594</sup>

MR. M. CAMERON ((continued:)) Well, they were not prepared<sup>595</sup> and he for one, was not prepared for the declaration, that it was to be managed by a committee; the recommendations of which the government might not be able to carry out<sup>596</sup> which was in direct contradiction to the views of Responsible Government, which the hon. Attorney General West had always put forward.<sup>597</sup> He was prepared, however, to support the government in any policy which was consistent with what the house had a right to expect from the professions which its members had made. He



then referred to the Clergy Reserves, which he said had agitated the country for the last thirty years, and which it had been declared should be given up for the education of the people, of whose true sentiments upon the subject, the last election could leave no doubt;<sup>598</sup> and by none had that course been more strongly advocated than by the three gentlemen now on the government benches. He had himself written letters to Oxford, to promote Mr. Hincks' election, and he was sure that the Inspector General would not have been returned<sup>599</sup> had his constituents not been told, that he would lend his assistance to carry this question.<sup>600</sup> Persons had then declared that they would never vote for the party in power, unless they could obtain justice on this subject.<sup>601</sup> Mr. C. contended that there was a great difference between the endowment in Lower Canada, and the Reserves of Upper Canada, and that the reasons of interfering with the one, did not exist with regard to the other.<sup>602</sup> He did not anticipate any difficulty with Lower Canada; all he knew was, that it was not to be made a Cabinet question. From the expectations formerly held out by the reform party, it was only reasonable to expect, that when they came into office, that they would carry out the measure, and satisfy the public mind. Then, why refuse to make it a government question?<sup>603</sup> The Lower Canadian members of the government could not be ignorant of the position in which this question stood--and why did they now desert their friends in Upper Canada. That would be for them to answer hereafter; but he warned the hon. gentlemen that no ministry could stand in Upper Canada without this question being fully and finally settled to the satisfaction of the people<sup>604</sup> upon the terms contemplated by the union; there must be no excuses, for there must exist equal religious rights, and an equal division of church property. As to the assertion that the Clergy Reserves could not again be legislated upon, and that they partook of the character of private property, after the possession of sixty years; the very term Reserves, has enough in it to satisfy him that it was still an open question; and that the lands were not so much reserved for the support of a Protestant clergy, as for the good of the people, and to procure for them a religious education. The government of Great Britain has the power to sustain those alterations, which will be acceptable to the people, and will give peace to the Province.<sup>605</sup> He declared that England had shown from the beginning a willingness to consult our interests and wishes on the question, and he asked why a "strong government" should not contend for the right to legislate upon the subject. We are told we must get permission. Did we not get permission to legislate as we did, upon the Tariff, directly in the face of an Imperial Act? He believed we could introduce a bill, and he was in favour of that mode of proceeding, as the most likely to effect the object in view. He certainly expected after what had occurred last session<sup>606</sup> ((that)) the appointment of a committee to report upon this subject, would not give satisfaction, it was a shrinking on the part of ministers from a duty which they ought to have performed, who should have introduced a Bill, which of course would have been reserved for the Royal Assent, and would have been sent home and assented to. He (Mr. C.) was astonished at the explanation which had been given by the members of the government, as after what had occurred during last session,<sup>607</sup> and the promises that were made<sup>608</sup>, the house had a right to expect that a negotiation with the Home Government would have taken place;<sup>609</sup> and he could not understand why they did not do so. The hon. gentleman then read extracts from the speeches of ministers and their supporters last session, clearly proving that negotiation with the Imperial government had been promised<sup>610</sup> and Mr. Price had stated that he held it to be the duty of the government to settle the question; but that all which could be done was to negotiate with England; whatever risk might be incurred, it became the duty of the government to settle this question. With this understanding, all action on the subject, on the part of members of the house, had been withdrawn. Now, it is said, the government are not agreed on the subject, and therefore did not intend to prepare any measure. But, if as the Commissioner of Crown Lands and the Inspector General had contended, the question should be the subject of



negotiation by the government: why send an address to England, when no negotiation had been entered into?<sup>611</sup> He could not understand either, how an address which was what he understood was intended, could be proper now, when it was declared to be improper then.<sup>612</sup> This was what the people could not understand. If the measure, therefore, which will be introduced during this session, is not supported by the government, the country at a future election would oppose them, and he (Mr. C.) would.<sup>613</sup> Upper Canada would insist upon complete religious equality, even at the expense of the dissolution of the Union.<sup>614</sup>

(22)

*The Honorable Mr. Cameron of Kent moved in amendment thereto, seconded by Mr. Holmes, That the words "That this House deeply regrets that the absorbing question of the Clergy Reserves and Rectories was not alluded to in the Speech from the Throne, and that His Excellency's advisers have not thought the settlement of this question of sufficient importance to introduce a measure on the subject, this House firmly believing that the upper portion of this Province cannot enjoy political contentment so long as the present arrangements respecting the Reserve Rectories continue," be added at the end thereof;*

*And a Debate arising thereupon;*

MR. MALLOCH asked some questions as to the Hon. gentleman's differences with his late colleagues.<sup>615</sup>

MR. M. CAMERON said he obtained the permission of His Excellency the Governor General, to make public the reasons which induced him to leave the Cabinet. He had published his explanations, and at present he did not feel inclined to repeat them. (Hear, hear.)<sup>616</sup>

MR. AT. GEN. BALDWIN rose after a little hesitation, the House manifested a good deal of interest in what was coming, and remarked that<sup>617</sup> he presumed the hon. member for Kent spoke of certain letters which had appeared in the public papers, and which he now for the first time, avowed in the house.<sup>618</sup> He wished as the hon. member had professed himself the author of these documents, to make a few observations. With regard to this matter he had every desire to deal with the hon. member on the footing on which he<sup>619</sup> and that hon. gentleman had formerly stood.<sup>620</sup> But when the hon. gentleman referred to the statements in his letters, he was compelled to say that the color he had given to the matter was anything but correct.<sup>621</sup> The time had arrived for stating the grounds upon which the government acted with reference to the retirement of the hon. member from the Cabinet. The course which he (Mr. C.) had adopted in his letters, went to induce the conclusion that his colleagues were desirous of getting rid of him. That was not the case<sup>622</sup>. In point of fact, it could not be possible that at the time mentioned they could have had such a desire. Expediency alone, would have prevented it.<sup>623</sup> He (Mr. B.) would presently refer more particularly to the issue contained in those letters; but he must first call the attention of the house to two or three preliminaries. In the first place<sup>624</sup> he admitted that Mr. Cameron had expressed his desire to retire from the government at the time he mentions, but it was wholly on private grounds. The hon. gentleman will recollect that he often expressed a hope that in two or three years<sup>625</sup>, by continued and undivided application<sup>626</sup>, he would be able to arrange his private affairs, and return to politics. Another point that he wished to notice, was, that the hon. member in the course of his letters wished to impress upon the public that he was requested not to retire during the troubles in Montreal.<sup>627</sup> From the terms of intercourse, in which at that time he was with the hon. member, he (Mr. B.) did not know whether this statement had reference to any conversation between themselves. But if it applied to any such intercourse, he (Mr. B.) could only say, the request was that he would not retire until the troubles consequent upon that Session had ceased--and<sup>628</sup> he could never believe the hon. gentleman could think of leaving them at such a time.<sup>629</sup> He might, how-

ever, have reference to a communication in 1848, but which had reference to an entirely different matter, from that to which he now wished to attribute his resignation. He certainly was dissatisfied with the appointment of Mr. Sullivan, and his dissatisfaction assumed the shape of personal resentment. The hon. gentleman on that occasion, was urged not to act hastily; and he did not so act, for he remained in the Government some twelve or eighteen months afterwards.<sup>630</sup> If the hon. member referred to that occasion he was at liberty to make whatever use he pleased of it.<sup>631</sup> But in the face of all this, from the letters which he had published, it is apparent that the desire of the hon. gentleman is, that it should go forth to the country, that a disagreement on the subject of retrenchment was the cause of his retirement, and he (Mr. B.) would safely say, that such was not the ground. It was true he expressed himself desirous that the public works should be under the management of one Commissioner; but when the difficulties attending such a measure were pointed out, he could not show how both Provinces were to be satisfied<sup>632</sup> by such an arrangement. He never attempted to show how those difficulties could be met<sup>633</sup> so as to maintain the efficiency of the service.<sup>634</sup> The late government had found it necessary to have two Commissioners, and the present administration also found it so.--The hon. member never explained how the difficulties attendant upon his proposition were to be met, nor does he explain why having been offered the Chief Commissionership, he chose to return to his former office of Assistant Commissionership, owing to the necessity which the government felt that the chief appointment should be otherwise filled up. But retrenchment was not the object of the hon. gentleman at an early period of his connexion with the government, as was evident from the fact that, so far from wishing the situation of Assistant Commissioner which he held should be abolished, he proposed that the salary should be raised; and subsequently complained that when the salaries were settled by Parliament, they had not both been put on the same footing--that of the Chief Commissioner.<sup>635</sup>

MR. M. CAMERON said this was after he had proposed to resign.<sup>636</sup>

MR. AT. GEN. BALDWIN: He even urged legislative action, and it was one of the retorts during these discussions--"Why didn't you alter the act last session." He (Mr. B.) referred to these facts to show that retrenchment was not the reason why he had left.<sup>637</sup> Then in his letter of the 5th of December, 1849, he states that the wish of Mr. Price to retire, would remove all the difficulty;--not by abolishing the Commissionership of Crown Lands, for he did not wish it abolished; and had a vacancy occurred, he would gladly have accepted the situation. How, then, was the retirement of Mr. Price to have removed the difficulty, if his object were retrenchment, unless the office were abolished? which he (Mr. C.) was not desirous of effecting.<sup>638</sup>

MR. M. CAMERON here cried out once or twice somewhat impatiently--I'll explain all that.<sup>639</sup>

MR. AT. GEN. BALDWIN continued:-- The hon. member would take time to do so. He (Mr. Baldwin) went on to read another letter<sup>640</sup>. In the letter of the 22nd December, there was another statement, in which it was endeavored to be shown that a desire for retrenchment was the motive by which he was actuated; and they were told that the difficulty which had occurred was not of his (Mr. C.'s) seeking; but that if Mr. \_\_\_\_\_ could have M. Viger's place, this would remove it. But how he (Mr. B.) would ask, would it remove the existing difficulty, if it originated in retrenchment? But retrenchment was undoubtedly not his object; and this was only another of the flights of the hon. gentleman's imagination, in which he so frequently indulged, and to which he was so prone.--Another ground of his retirement, which had been thrown out in the documents, was his difference of opinion from other members of the Cabinet, as to the line of public policy to be pursued. Nothing was more unconstitutional or improper, than that, after advice had been given, and which had not been acted upon, a gentleman should feel at liberty to



go back, and say, that months before, he had expressed himself of a different opinion. If the members of a Cabinet were all of the same opinion, they had better dispense with it altogether. The object was to have a difference of sentiment, that thereby truth might be elicited.<sup>641</sup> Sometimes the arguments of the minority would convince the majority and results were arrived at after discussion and deliberation.<sup>642</sup> Was the public opinion of this Province so debauched, he would ask, as to allow the gentleman to go back, and state what were his individual sentiments originally expressed with reference to any particular measure? If the course the Cabinet were pursuing, was such as he could not concur in, then he should retire. Unless that house and the country held members individually responsible for the acts of the Cabinet of which they formed a part, no man of integrity would place himself in a position to be thus dealt with.<sup>643</sup> This is no party question, but one of public political morality. To illustrate this very point, he would refer to the proposal to sell the public roads which had been mentioned.<sup>644</sup>

MR. M. CAMERON--But I differed from your policy, and declared that I must not be held responsible, or charged with inconsistency, if when in an independent position I should oppose it.<sup>645</sup>

MR. AT. GEN. BALDWIN admitted the hon. member had, but he still<sup>646</sup> agreed to remain in the government, allowed the Bill to be brought into the House, and voted for it. He (Mr. B.) would ask, had the hon. gentleman a right to go back and state what was his opinion on that occasion.<sup>647</sup>

MR. M. CAMERON:--Was there not an agreement that I was not to be understood to have acted inconsistently.<sup>648</sup>

MR. AT. GEN. BALDWIN:--Never.<sup>649</sup> The fact was, the hon. gentleman had set his heart upon obtaining the situation of Commissioner of Crown Lands; and anything short of that would not afford him satisfaction--Mr. Price was to be got rid of--Mr. Taché was to be passed over<sup>650</sup> though as well entitled to promotion as any man in the Province<sup>651</sup> and a gentleman who was not a member of the Cabinet, was to be made Receiver General; he (Mr. C.) was offered the Chief Commissionership, but no arrangement would answer unless he were made Commissioner of Crown Lands. Of course there might be a difference of opinion as there always would be<sup>652</sup> as to the value of a colleague;<sup>653</sup> but in making choice of an officer to fill that situation, he (Mr. B.)<sup>654</sup> confessed he would<sup>655</sup> prefer the member for the South Riding of York, to the hon. member for Kent; and this preference would be consistent with the desire which existed, that Mr. Cameron should not leave the Cabinet.<sup>656</sup> He said his colleagues had great difficulty in finding out on what grounds the hon. member retired.<sup>657</sup> When he ultimately did so, ... he had not stated on what grounds he had acted. There was therefore no impropriety in the Member for Oxford writing a memorial<sup>658</sup> for publication, stating the grounds of it in such a manner as to secure agreement<sup>659</sup> and sending it to the Hon. member for Kent for his approval. But if the other members of the Cabinet were at a loss as to the cause of his retirement, it would be seen that he was in the same difficulty himself.<sup>660</sup> Mr. Baldwin then read the Globe editorial written by Mr. Hincks. He said Mr. Cameron returned that<sup>661</sup> with no alteration, except that he had expressed a desire to retire from the Assistant Commissionership of Public Works, and an addition<sup>662</sup> where the former says--"It is not at all the reason--I have been shamefully ill treated and deceived."<sup>663</sup> How much of retrenchment was there in that?<sup>664</sup> He (Mr. B.) could not see much of retrenchment about it, though he could see a great deal about the Commissioner of Crown Lands.<sup>665</sup> He felt full of indignation at the time, and undoubtedly wrote under the impulse of the moment. Then came the first additional step in the ladder of his alleged grievances.<sup>666</sup> Mr. B. then read the note of Mr. Cameron complaining of appointments being made without consulting him,<sup>667</sup> when he was really consulted as much as he (Mr. B.) was himself, for they



were both absent from Montreal at the time referred to. It was very evident, Mr. Baldwin said in conclusion, from the documents to which he had referred, and also from the alteration which the hon. member had made in the memorandum referred to, that he was actuated by a feeling of personal grievance, and that it was evidently the ground of his retirement from the Cabinet. The insinuation relative to the President of the Legislative Council, was without foundation, as he had made no objection with regard to that office. But the hon. gentleman had gone on adding to his list of grievances.--First he wished to retire from mere personal motives: then arrangements that had been made were unsatisfactory; then the public interest was not consulted; and he comes down at last to public measures, the construction of roads and harbors, and the establishing of tariffs and custom-houses. And so varied and inconsistent were the grounds alleged by the hon. member for retiring from the Government, that it was easy to be perceived that the reasons adduced, with one exception, were not the true ones, but which it was deemed would be more acceptable to the people of the province. The learned Attorney-General said<sup>668</sup> he denied that the hon. gentleman had, as he had alleged, ever made any objection to the appointment of the hon. member for Quebec to the Board of Works<sup>669</sup>. The hon. member, he would again remark, made no statement of how the difficulty, as between Upper and Lower Canada, was to be removed.--In one of his letters he refers to the hon. member for Quebec being made Commissioner of Crown Lands, and his only objection then was that this arrangement would not be satisfactory to Upper Canada.<sup>670</sup>

MR. CAYLEY said he did not understand the Attorney-General's allusion to the appointment of the hon. member for Quebec to the crown lands.<sup>671</sup>

MR. AT. GEN. BALDWIN explained that when Mr. Price was about to retire on a former occasion and the hon. member for Quebec was mentioned. Mr. Baldwin then read an extract from Mr. Hinck's speech at the Price Dinner, and said he could not contradict what the hon. member for Oxford had stated, as the hon. member for Kent seemed to expect. He had nothing to say on these points.<sup>672</sup> He had gone through the leading points contained in the documents and statements put forth by the hon. member for Kent, and had shown that the impression he had endeavored to create on the public mind, was not sustained by facts, and that had he received the appointment of Commissioner of Crown Lands, there would have existed no difficulty.<sup>673</sup>

MR. M. CAMERON (of Kent) rose, and said, that he felt obliged to the Honorable Attorney-General for the tone in which he had discussed the question; but indeed it was the tone in which the hon. gentleman met all questions--calmly and coolly. But he (Mr. C.) must say that Mr. Baldwin had not argued ingeniously; he had hit on the professional character--he had recited special pleading--he had endeavoured to raise new issues--he had appealed to prejudice and unfairly met facts.<sup>674</sup> He had never seen the hon. Attorney General West fail so signally as on the present occasion, although he had<sup>675</sup> twenty years practice of a profession which qualified him to make "the worse appear the better part," and abilities equalled by few in Canada. Yet Mr. C. without these abilities, without professional talent or education, felt strong in his rectitude and fully able satisfactorily to reply, for the "natural evidence of truth needs none of these arts to over cover sophistry"<sup>676</sup>. He thought he would show from the gentleman's own mouth, that he had fallen into error<sup>677</sup> and he would just commence by shewing where retrenchment (sic) was in his proposition; from the Hon. Attorney-General our statement and questions were ingeniously put to create a false impression. The Attorney-General had said "if Mr. Cameron had gone to the Crown Land and Mr. Merritt to the Public Works, where was the retrenchment?" He (Mr. C.) would reply, just in 1860 saved by the abolishing of the office of President of the Council and Assistant Commissioner of Public Works, which was determined on before and intimated by the Globe; and was it not as immoral to put a fact in a way to deceive and give wrong impressions as it was broadly to mistate (sic) one? He (Mr. C.) thought so, and regretted that the Attorney-General had done this. The Attorney-General West stated that he (Mr.

C.) was dissatisfied at the elevation of Mr. Sullivan to the Bench. This was incorrect, and not what was intended; no one rejoiced more than he (Mr. C.) at the elevation of that distinguished orator and jurist to the Bench. But he was dissatisfied with the arrangement made by the Government in filling up his place.<sup>678</sup> He would now endeavour to recal (sic) to the hon. gentleman's recollection, two or three circumstances, which he appeared to have forgotten. When the Ministry was in course of formation, after a great deal of discussion and preparation, Mr. Price offered him the Commissionership of Crown Lands. Well, he went with that gentleman to Mr. Lafontaine's house, where the Administration was assembled, and took his seat among them, under the impression he believed was general, that he was to have that office.<sup>679</sup> Mr. Lafontaine and Mr. Baldwin went up to His Excellency and returned impressed with the necessity of Mr. Sullivan being in the Government<sup>680</sup>. Finding that Mr. Sullivan did not wish to accept the office assigned to him, the first thing he (Mr. C.) did, was to propose that he should retire in order to make room for Mr. Sullivan. Mr. Price also wanted to go out, but he (Mr. C.) being the youngest member,<sup>681</sup> Mr. Price being Mr. Baldwin's friend, it was his duty to withdraw<sup>682</sup>, and Mr. Price became Commissioner of Crown Lands.<sup>683</sup> After this he was pressed to take the office of Assistant Commissionership of Public Works which Mr. Merritt declined. He (Mr. C.) called upon Mr. Merritt and urged him to accept the office as he felt that he (Mr. M.) was the best qualified man for this office; and he never ceased to urge this till he left office<sup>684</sup>, but when that gentleman was spoken to on the subject, he positively refused to go in, as Assistant Commissioner<sup>685</sup> under any body; and he, (Mr. Cameron) to relieve the Government from the embarrassment and at the urgent solicitation of the hon. Mr. Hincks<sup>686</sup>, although the Attorney General did not seem to recollect it<sup>687</sup>, (who said he should have a seat in the Cabinet--the term "Assistant" should be abolished, and the salary of the two Commissioners of public Works made equal,) <sup>688</sup> in order to obviate Mr. Merritt's objection but the proposal was rejected, and the original plan adhered to, although his own opinion was, that he (sic) Assistant Commissionership, and the office of President of the Council should have been abolished, and Mr. Merritt appointed as sole Commissioner. He then<sup>689</sup> agreed to take the office; but never heard more of the equalizing of the salary or alteration of position, though he did speak of it, but never desired to take the money; in fact he told Mr. Price it was his right but that he never would receive one dollar of it, but would take the satisfaction in "poking at them," for he said, £650 was as much as any man should have. However, the Government was formed, and went on till Mr. Sullivan retired, when he (Mr. C.) expected as a matter of course that Mr. Price would be Secretary and he (Mr. C.) Commissioner of Crown Lands as agreed upon. Every other possible shift was proposed but this one, and a determination was evinced by Mr. Baldwin that this arrangement should not be made, and reasons assigned. He (Mr. C.) was certainly dissatisfied and felt agrieved (sic), and would forever do so--his reason was not private; gentlemen confound dates; that was in summer early; his personal arrangements which rendered it desirable to leave was not till November 1848. But then on account of difficulties in the Government, and the persuasion of friends, he remained and went on till the spring of 1849, but was dissatisfied with several acts,<sup>690</sup> and would have left the ministry in Montreal, if it had not been for the burning of the Parliament Buildings. Mr. Price advised him to apply for an increase of £100 a year to his salary, but he always refused to do so, and would not have accepted it. All that he wished was to leave the ministry, and not be made responsible for their acts<sup>691</sup>, and protested against the policy of the Government upon the tariffs and roads.<sup>692</sup> He wished to leave it quietly, and without doing them any injury. If he chose he might very easily have resigned on questions which would have done them a great deal of harm, and made political capital by it. But it was not his intention to do so. He desired throughout to support them as a Reform Government, and he would do so still.<sup>693</sup> The hon. Attorney-General attempts to work upon prejudices and ex-



cite feelings of strong language in this matter, and says the public mind of the Province is debauched! Aye, debauched; by what, Sir? Why, Mr. Speaker, by a gentleman who had yielded under peculiar circumstances to aid his colleagues in measures while in a Cabinet which he did not fully approve, taking an opposite policy when he was an independent member and under other circumstances. But, Mr. Speaker, he (Mr. C.) felt that private morals, that all morality was far more injured and decency outraged by gentlemen obtaining the consent and support of friends under such circumstances of difficulty in the hour of need, and then turning upon them and holding them up to reproach for their liberality. If it were as the hon. gentleman said, because they had no money or credit, they would sell the harbours and macadamized roads, he (Mr. C.) had misunderstood (sic) them, and would retract, and admit he was wrong. But on this he more particularly appealed to the President of the Council, whose measure even it was--and the only one that he (Mr. C.) had differed from him in--if the government had not resolved to make no more local improvements? If there was not a proposal to sell all they had, and make no more? He felt sure they would say yes; and yet the hon. gentleman had to evade it shamefully, evade their policy, and say it was because they had no money. He (Mr. C.) protested in Council against the policy, contended that a main post road, and leading roads in each district, were essential, and accommodated the people as much as canals; and warned the government that he would always hold this doctrine, and they dare not deny it. He (Mr. C.) was glad that the Attorney General had admitted that he (Mr. C.) wanted only one Commissioner, and was willing to remain in office, and that they had offered him the office of Chief Commissioner<sup>694</sup> of Public Works ... and he had refused it<sup>695</sup>, and he wished it had also been admitted that he was offered the Postmaster Generalship, because he desired to show that he refused it, and that all he was anxious for was to be an independent member on the floor of the House<sup>696</sup>, and because he was satisfied that their arrangements would not be satisfactory to the public, but on the contrary would be injurious to their interests.<sup>697</sup> This fact was the gist of the whole matter. He (Mr. C.) had said in his first letter that they were the only immediate cause of his resignation, for he was willing to wave (sic) all differences, and try and go on with them. He (Mr. C.) expected to remain as he was in explanation of what the Attorney General thought very difficult, namely, how would Mr. Price's going out would have set all right, or served economy? He (Mr. C.) here explained, it would save £1680 a year, or the bringing in of Mr. Dunscomb or Mr. any body else, as Receiver General; and leaving all as they were would not have forced him, Mr. Cameron, into the dilemma of accepting an office he considered unnecessary; that ought to have been abolished, or eating his own words, and deceiving his constituents--or of leaving the Government--the alternative he chose and why? He said the difficulty was not of his making. Mr. Viger would not come to Upper Canada, and he resigned to suit his convenience--had either of them remained there would have been no difference in the number of French or English; or had their place been refilled without moving Col. Taché, no difficulty would have occurred with him, (Mr. C.). But no consideration was taken of him in Upper Canada, he must be forced into an office he would not take--he must have an election and be shifted about, because that was the only reason given to him at the Price dinner, or now--because it was necessary to get in a gentleman for Quebec, the member opposite,--and when it was understood that Mr. Price was going out, the list submitted to him (Mr. C.) to approve, was filled up with the name of the hon. member for Quebec as Commissioner of Crown Lands. He (Mr. C.) protested on the ground that Mr. Bouthillier was a French Canadian, and if the Chief Commissioner were a French Canadian, it would be very unsatisfactory to Canada West. He protested that the habits of Mr. Chabot were such that he should not be admitted, and was told by Mr. Lafontaine that Col. Taché had agreed to take charge of him!!<sup>698</sup>

MR. AT. GEN. LAFONTAINE--No I did not.<sup>699</sup>

MR. M. CAMERON ((continued:)) But that was not enough to satisfy him (Mr. C.)



and he left the Government immediately.<sup>700</sup> These are the circumstances of the resignation, and if the hon. gentleman had shown that he (Mr. C.) wanted any change--if he had gone to them to desire change--if he had even shown a willingness to let Mr. Price go--they might have made out a case--but they have failed<sup>701</sup>. Now it was not very kind in the Attorney General West to intimate that it was proposed to get rid of Mr. Price.<sup>702</sup> The Attorney-General has corroborated his (Mr. Cameron's) statements, but drawn inferences, and expressed inuendoes (sic) against him, but it was for the House to judge of the facts<sup>703</sup>. The truth was that no person had a right to suppose that there was any design to get rid of Mr. Price, but that he had himself given every person reason to suppose that he was going to retire.<sup>704</sup> Mr. Cameron said, the speech of the Commissioner of Crown Lands really required no answer, he was obliged to him for it. He (Mr. P.) admitted that Mr. C. had pressed him not to resign--he admitted that Mr. C. suggested the dismissal of several clerks ... and admitted that Mr. C. said he would resign with Mr. P., if he had to resign on the Clergy Reserves question.<sup>705</sup> He said in his letters that nothing on earth should keep him in the Government. He went to his (Mr. C.'s) house and told him, and told his family that he was going to resign<sup>706</sup> and ... that he (Mr. C.) was to be his successor<sup>707</sup>. He asked him (Mr. C.) to choose the time at which he should wish his re-election to take place. Were not all these reasons enough to believe that he intended to resign and would resign.<sup>708</sup> Now<sup>709</sup> the hon. member for North York asked<sup>710</sup> where the retrenchment would have been if his (Mr. C.'s) plan had been acted on. He had been taunted with saying, that if Mr. Merritt were transferred to the Board of Works it would be perfectly satisfactory. The hon. gentleman ought to have known himself where the retrenchment would be, and not leave him (Mr. C.) to say it. There would have been a retrenchment of £1650. He proposed that the Assistant Commissionership should be abolished and that the office of President of the Council should be abolished. Would not that have made a retrenchment of £1650? Would not that have been perfectly satisfactory?<sup>711</sup>

MR. INSP. GEN. HINCKS--It would have been exceedingly satisfactory to Lower Canada!<sup>712</sup> Would it not?<sup>713</sup>

MR. M. CAMERON--Oh, that is the reason!<sup>714</sup> He was glad that the hon. gentleman had said that. He was glad that the hon. gentleman had admitted that it was necessary to bring in gentlemen from Quebec, and that he was turned out in order to make room for them. The hon. gentleman was dreadfully afraid of making a retrenchment of £1650--no doubt! He must have feared the issue of such an event in that House!<sup>715</sup> It was said in the Government organs that the law prevented the abolition of the Assistant Commissionership of Public Works<sup>716</sup>. But yet in a month after, he and his colleagues made no difficulty whatever in suppressing that office. But he was told that there were insuperable difficulties in the way! He could not see what those difficulties were. He had been offered the Chief Commissionership repeatedly, when the ministry might have known, if they had the slightest discretion, that he would never take that office upon the terms they offered. But<sup>717</sup> the remaining members of the Cabinet had desired to force him to what he could not do without degrading himself--consent to the appointment of the hon. member for Quebec.<sup>718</sup> They wanted to damage him in the public opinion, or to injure his self-respect, for he had repeatedly told them he would not accept the Chief Commissionership, but that he would do the duties of both Assistant and Chief Commissioner till the meeting of Parliament--and he should like to know if that would not be full as satisfactory as to bring in two other parties that they could not keep?<sup>719</sup> He (Mr. C.) would ((state that))<sup>720</sup>

with respect to consultation,<sup>721</sup> the Inspector General said no arrangement was made without Mr. C. being consulted.<sup>722</sup> He would say, that if ever it was necessary to consult a member of the Cabinet, it should be on the proposed addition to its numbers; and yet<sup>723</sup> Mr. C. must say that he had never heard of the proposal to make Mr. Taché Receiver General<sup>724</sup>. He never was consulted on it—he never knew anything about it until the day that he met that gentleman walking in the streets with a friend!<sup>725</sup> Nor ((had he known)) Mr. Chabot ((was made)) Commissioner of Crown Lands, till ... ((his)) name ... ((was)) on a list he (Mr. C.) had seen, and after he understood the hon. member for Quebec had been spoken to.<sup>726</sup> Was that the manner in which he should be treated? Had not he a right, as a member of the Cabinet, to expect that he should be consulted?<sup>727</sup> The Inspector General had admitted Mr. C.'s proposition to reduce the Customs Department, and did not deny his proposal to abolish Dr. Ryerson's office.<sup>728</sup> His advice had never been asked; and, in answer to all his complaints, he was told that he had attempted to raise difficulties, and that the public morals would be debauched if he spoke of them now. On the question of local roads, he differed entirely, and had always differed with the hon. member for Lincoln, and had told him, when the question was under discussion, that although he did not wish to split the Cabinet upon a question of that kind, he must not be surprised, if, when he (Mr. C.) was in a different position, he should be found agitating that question in opposition to the Ministry, and in favor of local roads; and now that he had found himself in the position that he spoke of, was it strange that he should be found avowing those opinions that he had acquainted them with long ago?<sup>729</sup> On another occasion he had stated distinctly that Mr. Lafontaine might pursue his own course; but it would not be satisfactory to the people of the Province. He had understood, too, not that the objection to carry on the public works was a temporary one; but that it was resolved that the government would make no more public works.<sup>730</sup> Why the Attorney General himself admitted that he had been opposed to the course taken by the Cabinet, and attempted to make it appear that he was bound by the Cabinet measure. But he was not disposed to admit that by any means, nor could he see how the Attorney General could state fairly that the Government could not go on with those roads for want of funds. He had always understood—but he might possibly be in error—that the real reason was, that they had resolved never to spend a shilling in local works.<sup>731</sup> He now appealed to Mr. Baldwin whether he had not said that the Assistant Commissionership of Public Works should be abolished, and whether he (Mr. Baldwin) had not replied that was none of his business as he was about to leave the government.<sup>732</sup>

MR. AT. GEN. BALDWIN admitted this in substance, but objected to the precise words.<sup>733</sup>

MR. M. CAMERON: The hon. gentleman then concluded, asserting that the charge of want of sincerity, brought against him by the Attorney General, was unfounded, as he advocated now exactly the same views that had influenced his conduct for the last sixteen years.<sup>734</sup>

MR. COM. CR. LANDS PRICE said as the hon. member for Kent had alluded to him he would say a few words<sup>735</sup>, explanatory of the part he had taken in these transactions.<sup>736</sup> He admitted the correctness of Mr. Cameron's statement of the arrangement at the formation of the government.<sup>737</sup> It was undoubtedly true, that Mr. Cameron had been mentioned as Commissioner of Crown Lands, before the formation of the ministry was completed, but that in consequence of the arrangements that were made, he did not take that office. When Mr. Sullivan

was elevated to the Bench, Mr. Cameron went to him, and said that he (Mr. P.) should fill the vacant office of Secretary, and that he would himself take the Crown Lands Department. He refused. He said he had been forced into office, and that he would not go back to his constituents again under any considerations. The hon. gentleman appeared to have misunderstood him, and imagined that he did not wish to meet his constituents at the hustings; for after some conversation with the hon. Attorney General, he spoke to him, (Mr. P.) again on the subject, and said that there was no necessity for re-election, as he might go into the Upper House. He replied, that as the people of the County of York had elected him as their representative, he would never go into the Upper House to get beyond their reach. The hon. gentleman was at that time Assistant Commissioner of Public Works, and spoke constantly about the low rate of his salary<sup>738</sup>, speaking of the difference between the salary of the two Commissioners.<sup>739</sup> He said he would never cease dinning it into the ears of his colleagues, that he had been robbed of £100 a year by the Inspector-General.<sup>740</sup>

MR. M. CAMERON:--Did he not say that he would not take the £100 if it were offered to him?<sup>741</sup>

MR. COM. CR. LANDS PRICE. No.<sup>742</sup> Mr. Price did not recollect that.<sup>743</sup> When the Hon. Gentleman joined the Administration, he certainly said that money was not an object to him then, but a short time previous to his leaving it he said, that money was an object to him, and when that was the case, he could not conceive that the Hon. Gentleman would have refused an increase of salary. Now the hon. Gentleman had said on several occasions, that he (Mr. Price) had repeatedly offered him his office. The fact was, that he intended to resign at the end of November, so as to be able to return to his own home before the navigation closed, for he was determined that he would not stop in Montreal another winter, while his family was in Toronto. He therefore went to the hon. Gentleman, and told him, that if he (Mr. Cameron) was to succeed him in office, it would be as well to appoint the time at which he wished to be re-elected; and at the same time informed him of his desire to leave Montreal before the end of November, but that he would be willing to wait until December, if the roads were frozen up by that time, but was resolved that he would not stop any longer. He could not conceive anything he had said on that occasion could be supposed to bind the Government, or would be considered as a pledge on his part. In fact, it was absurd to suppose that he could give a pledge of the kind, when he was going out of the Administration himself. It was really a pity that the Hon. Gentleman had not gone quietly to his room after resigning, and then having written out the causes which had caused his resignation, waited quietly until the meeting of the House, in order to make his explanations, instead of having it a matter for newspaper speculation and newspaper discussion.<sup>744</sup> Mr. Price then read a portion of his speech declared at the Younge (sic) Street dinner, to show that he had given Mr. Cameron no provocation.<sup>745</sup> He had felt all the difficulty of the hon. Gentleman's position, and at a public meeting held in the county of Oxford, had whitewashed him completely, and from that moment he (Mr. Price) had never been forgiven by the Examiner, and he supposed it never would forgive him. It was at a time when it was supposed that the Government would remain at Montreal, that it was first publicly stated that he (Mr. P.) was about to retire from office, and he found that the fact was distorted to the disadvantage of his friends, and he was at length brought out by an article which appeared in the Examiner,<sup>746</sup> ((which)) he then read<sup>747</sup>, stating that he was about to retire because he could not get his colleagues to join him in taking



up the question of the Clergy Reserves and Rectories<sup>748</sup> ((and)) complimenting him on being staunch<sup>749</sup>. Now that article was false.<sup>750</sup> That brought him out, for he did not choose to be complimented at the expense of others<sup>751</sup>. He ... read from another newspaper a letter in reply, in which he stated<sup>752</sup> that under these circumstances, he would not resign, and that there was no difference between the members of the ministry.<sup>753</sup> He never took any pledge when he entered the Cabinet, nor did he take any pledge when he left it. He retained his principles when he went into the Cabinet, and retained them when he went out. But he stated the fact when he said, that he had no difference with his colleagues on this or any other question, but that he wished to leave the Government solely from a desire to retire from public life altogether. As to the Clergy Reserve question itself, he only had one conversation respecting it with the hon. Member for Kent, and that was at the time that they and the Attorney-General West boarded together in Montreal. One evening,<sup>754</sup> at the dinner table,<sup>755</sup> after having discussed several topics, the Attorney-General said, "and what about the Clergy Reserves!" The hon. Member for Kent replied,<sup>756</sup> "Oh, I voted against the reinvestment of the property; but I have ever since considered it settled."<sup>757</sup> But he (Mr. Price) objected in his warm way, that he never could consider that question settled, or could ever consent that one-seventh of the lands of the province should remain in the hands of a particular class to the prejudice of the great mass of the community. "Ah!" said the hon. Member for Kent, "it is just such men as you that will never let the country have any peace."<sup>758</sup> (Laughter.)<sup>759</sup> Well, it appeared now that the hon. Member for Kent did not consider the question settled, and he hailed him with the utmost satisfaction as a brother agitator in this great cause; and he hoped to see him agitate it steadily and firmly, but not rashly.<sup>760</sup> He would compliment the hon. member for Kent for having changed his mind.<sup>761</sup> Well, feeling called upon, in justice to his colleagues, to contradict the statement which appeared in the Examiner, he wrote a letter for the press in the Council Chamber,<sup>762</sup> which he had just read,<sup>763</sup> and taking the hon. Gentleman aside, read it to him. Now, so far from his finding any fault with the statements contained in the letter,<sup>764</sup> the member for Kent approved of it, and even complimented him<sup>765</sup> highly upon its style. If it were incorrect, why did not the hon. Gentleman tell him so then, instead of allowing it to be printed.<sup>766</sup> Why did he not, if it were so, say there was a difference in the Ministry, and that he did not wish the settlement altered. The hon. gentleman subsequently wished him to delay his resignation, and to go out with him, Mr. Cameron, on some popular question.<sup>767</sup>

MR. M. CAMERON asked the hon. gentleman if he had not once told him (Mr. Cameron) that he would have to retire on the Clergy Reserves question, and whether he had not replied, "wait until that time and we go out together."<sup>768</sup>

MR. COM. CR. LANDS PRICE.--The fact was, that the hon. gentleman called on him at his office one day, and in some conversation he (Mr. Price) remarked, that it was contrary to his wishes to be in office, and that he would have to retire; as the hon. gentleman turned on his heel, he said, "would it not be better to go out with him on the Clergy Reserve question." It was just in that careless sort of manner that the hon. gentleman spoke; but he did not sit down quietly, and, after having reasoned it out, say that he was resolved to retire. He (Mr. P.) replied that he had no difference with his colleagues and would leave them in a friendly manner.<sup>769</sup> (Hear, hear.)<sup>770</sup>

Now with regard to the statements made by the hon. gentleman, that he was anxious to retire from the ministry previous to the meeting of Parliament,<sup>771</sup> on public grounds,<sup>772</sup> he did not know what form of language to employ without transgressing the rules of the house. The hon. gentleman had certainly said that he wished to retire, but on account of private circumstances alone. One day he met him (Mr. Price) in the street with some of his colleagues, and with much anxiety and perturbation of manner said, that he was desirous to see and inform them that it was absolutely necessary for him to resign in order to attend to his private business.<sup>773</sup> The fact was that the hon. member's affairs were deranged and he wanted to go up and attend to them.<sup>774</sup> It afterwards appeared that he had made such arrangements that there was no immediate occasion for him to resign<sup>775</sup> and he staid (sic) in the Government.<sup>776</sup> But he thought it most strange that the hon. gentleman should attempt to make it appear now that he was influenced by any other motives than those he had alluded to at the time.<sup>777</sup>

MR. CAYLEY.--At what time was that?<sup>778</sup>

MR. COM. CR. LANDS PRICE--In October 1848 : the hon. gentleman stated in his letters printed in the newspapers, that he had in vain urged on the Ministry the question of the Clergy Reserves and Retrenchment. Now he protested most solemnly that he never was in the Council when the hon. gentleman introduced either of those questions. It was very possible that he might have spoken to individual members of the Cabinet about them, but he had no knowledge of his ever having done so otherwise. Respecting retrenchment in his (Mr. Price's) office, which the hon. gentleman said he had proposed, all he knew about it was, that having entered his office one day, he said<sup>779</sup> "why, Price, you could do with fewer Clerks;"<sup>780</sup> "you have too many"<sup>781</sup>. But the hon. gentleman had himself got him to take in two of his friends, and although they were absolutely required, it showed that the hon. member's retrenchment views were not very deeply seated.<sup>782</sup> On one occasion he had insisted on the appointment of a gentleman who, he said, had been cruelly treated in the Bytown Office, and he (Mr. Price) refused, because determined to promote according to service.<sup>783</sup>

MR. M. CAMERON said, the speech of the Commissioner of Crown Lands really required no answer, he was obliged to him for it. He (Mr. P.) admitted that (Mr. C.) pressed him not to resign--he admitted that (Mr. C.) suggested the dismissal of several clerks--he admitted going to him (Mr. C.) and telling him that he (Mr. C.) was to be his successor, and desired to fix the time of his (Mr. C.'s) election--and admitted that Mr. C. said he would resign with Mr. P. if he had to resign on the Clergy Reserve question. Now, he would ask Mr. P. if he had not stated the probability of his having to resign on this question to many people in Toronto; why this if he and his colleagues agreed? Mr. Price seemed to sustain the Attorney-General's idea, that Mr. Price did not desire to go out; well, perhaps he did not. The hon. gentleman said that he would go out, and that no power on earth could keep him in--that coming to Toronto would make no difference--in fact, he declared as solemnly as Peter, when he denied his master that he would resign, but was evidently not half so sincere. (Mr. C.) would now refer to the statement made by Mr. P.; that just after he had suggested a reduction, he induced Mr. P. to put in office one of his (Mr. C.) friends, now, was this not said to leave an impression, that a place was made for some friend or relative of his (Mr. Cameron's). What was the

fact?<sup>784</sup> Did I not once recommend Mr. Holmes' son instead of Mr. Derbyshire's son?<sup>785</sup>

MR. COM. CR. LANDS PRICE--Yes.<sup>786</sup>

SIR A. MACNAB--That's a very important point.--(Laughter.)<sup>787</sup>

MR. M. CAMERON found that a Mr. Derbyshire a son of the Queen's printer, was to be put into Mr. Price's office. He protested against it, and had the situation offered to the son of a gentleman, a friend of Mr. Holmes!! whose claim was best? let the House judge--the other gentlemen (sic) was a Catholic who had been persecuted, was taken to fill up a vacancy--no friend to him more than being a friend of the party.<sup>788</sup>

MR. COM. CR. LANDS PRICE perceived ... that a statement was made, that a saving of £4,000 a-year could be effected in his office alone, by cutting off ten clerks at £400 a-year. It so happened that there was not a single clerk in the department who received this amount of salary. The only person who received a high salary was the Assistant Commissioner, who got £600. Since he came up here he had disposed of seven clerks, and he was told that he might dispose of more. But the fact was that<sup>789</sup> at present he had no more clerks than were wanted, and, in fact,<sup>790</sup> the clerks in his department were harder worked than any others in the Province, and after working until ten o'clock at night in the office were frequently obliged to carry part of their work home in order to complete it. He mentioned this to show, that however true such a charge might be at one time, there was no foundation for it at the present, and that it was impossible to dispense with the services of a single clerk. Whatever was the reason, there were incessant attacks made on his department, and he supposed it was because every person had business to do with it, and every person wanted the business done in his own way. As to the Clergy Reserve question, he repeated that he had never heard the hon. member urge it in Council, but as it was a question that must speedily come up he would not detain the house by saying any thing respecting it at that time, except that he thought that the hon. gentleman might have waited to see what steps he (Mr. Price) intended to take respecting it, and then chalk out a course for himself, if he were dissatisfied. He would conclude by saying, that this discussion would be a lesson to all future Governments, and that they would see the danger of allowing the country to be agitated through the press, by letters and discussions that should never have appeared in newspapers, and that the hon. member would have occupied a better position, and acted with more dignity, if he had deferred his explanation until he stood on the floor of that house. For his part, he could only say, that if he had placed himself in the position taken by the hon. gentleman, he could never expect any government to put confidence in him again.<sup>791</sup>

MR. AT. GEN. LAFONTAINE said, it was true, that at the formation of the Cabinet, Mr. Cameron had been mentioned as Commissioner of Crown Lands, but subsequently another arrangement was made, and the hon. gentleman took the office of Assistant Commissioner of Crown Lands. Well, the first thing he did was to present to the President a minute of Council proposing that his salary should be increased by an addition of £100.<sup>792</sup> That ((was)) the first he heard of the hon. member for Kent's dissatisfaction<sup>793</sup>. To that proposition he (Mr. Lafontaine) objected.<sup>794</sup> He (Mr. Lafontaine) refused as the first step of the ministry to raise their own salaries.<sup>795</sup> The honble. gentleman then began to speak of a sort of promise that had been made to him by the Inspector General, and said that he was entitled to an increase of salary; and as he had been informed had applied to the Receiver General for it--although he asserted now that he would not have accepted it, even if it had been offered to him! Subsequently the hon. gentleman wished them to introduce a Bill into Parliament for that purpose,



but he (Mr. Lafontaine) ridiculed the idea, and said that it would be absurd to introduce a Bill into Parliament for such a purpose. That the hon. gentleman was dissatisfied, there could be no doubt; and that was one cause of his dissatisfaction. Another cause of dissatisfaction as he (Mr. L.) had told Mr. Price was, that he had not been consulted on the appointment of a member of the Cabinet; and there was not a doubt in the minds of his colleagues that he was also dissatisfied, because he did not<sup>796</sup>, at Mr. Sullivan's promotion,<sup>797</sup> get the office of Commissioner of Crown Lands.<sup>798</sup> He (Mr. LaFontaine) had become dissatisfied after that and felt it was necessary to be on his guard and to say \_\_\_\_\_ before the hon. member for Kent. He went on to describe other Ministerial arrangements, and especially spoke of Mr. Cameron's desire to have the work "Assistant" struck from the title of the "Assistant Commissioner." This Mr. LaFontaine thought so childish, that he would not entertain the idea of introducing a bill to do it.<sup>799</sup> But whatever causes of dissatisfaction the hon. gentleman may have had, he never alleged them as reasons for retiring, but always stated that he wanted to retire merely in order to attend to his private affairs. There was one statement to which the hon. gentleman had given currency, that he would refer to.<sup>800</sup> ((He)) read an extract from one of Mr. Cameron's published letters.<sup>801</sup> The hon. gentleman had stated that he had been offered the Post Mastership. He could only say he was not aware of it. The Post-office was not under their control. Then how could they offer him the highest situation in it? It was true that a conversation on the subject of the Post-office had been held by him with some of his colleagues; and that he named Mr. Cameron as a very fit person to be Post-master, from his acquaintance with all parts of the country. That conversation was repeated to the hon. gentleman, and he immediately circulated through the newspapers, a statement that he was offered, and had refused, the situation.<sup>802</sup> Nor did he understand, who the Mr. \_\_\_\_\_ was, to whom the hon. member had alluded as a person whose appointment to the Receiver Generalship would have removed all difficulty. He had lately understood it was Mr. Bourret.<sup>803</sup> Respecting the assertion of the hon. gentleman, that he (Mr. Lafontaine) had said that Mr. Taché would take care of Mr. Chabot, he gave it an explicit denial. He had never said so, and he wished that he could believe from what the hon. gentleman said that he was a conscientious man.<sup>804</sup> Mr. Cameron had never objected to<sup>805</sup> the appointment of the hon. member for Quebec in the way now stated<sup>806</sup> until recently.<sup>807</sup>

MR. INSP. GEN. HINCKS said it was a fact, that he had held a long conversation with Mr. Cameron, previous to the formation of the Ministry, but he believed that certain facts having a bearing on the case, had been omitted. The first arrangement proposed, and which was finally adopted, was, that Mr. Sullivan should be Secretary, and that Mr. Cameron should have the office of Assistant Commissioner of Public Works. Mr. Cameron was offered the office, and refused it, because it did not give him a seat in the Cabinet. In a conversation he (Mr. Hincks) had subsequently with the hon. gentleman, he again pressed him very strongly to accept it. When Mr. Sullivan found that he (Mr. C.) would not accept that office, he immediately refused to enter the ministry, but afterwards an arrangement was made, by which he consented to act as Secretary, and Mr. Cameron took the office of Assistant Commissioner of Public Works. He regretted that conversation of this nature should be referred to, as it could serve no good purpose, for no hon. gentleman would suppose that the Cabinet were bound to say opinions expressed in conversation by individual members.<sup>808</sup> He could not remember all the conversations that took place at the time, but ... he had no doubt he might have said that the two commissionerships should be equalized in point of salary, but<sup>809</sup> he had never been authorized by his colleagues to say that the salary of the Assistant Commissioner should be raised from £650 to £750; and he was quite sure that he had given no pledge of that nature.--It was very possible that at the time it might have been considered

desirable to appoint Joint Commissioners--equal in rank and salary--but it was out of his power to give any promise that such an arrangement should be made. In point of fact, the hon. gentleman seemed to think that everything that passed in confidential conversations was to be held as binding the whole Cabinet--a proposition that he (Mr. Hincks) was by no means disposed to concur in. Now, with regard to what the hon. gentleman said about his not being committed, he entirely agreed with the hon. gentleman that if there were one point upon which every member of the Cabinet ought to be consulted more than another, it was upon additions to their number. And he stated most distinctly, that no addition of the kind was ever made, without his being first consulted; the best proof of it was, that on the retirement of Mr. Viger, the vacancy was not filled up for several weeks, in consequence of the opposition he offered to every proposal made by the other members of the Government.<sup>810</sup> Mr. Baldwin and the other members were absent, and ((it)) was impossible that any name could have been submitted to the Governor General. The arrangement had been mentioned in cabinet conversations.<sup>811</sup>

MR. M. CAMERON ... ((repeated)) the assertion that he was ready to swear to his statement, and that all the other members of the Cabinet were present at the time the occurrence in question took place.<sup>812</sup>

MR. INSP. GEN. HINCKS and MR. AT. GEN. BALDWIN both denied that they had heard what Mr. Cameron alluded to.<sup>813</sup>

MR. INSP. GEN. HINCKS hereupon asked if Mr. Cameron did not agree to Mr. Chabot's appointment.<sup>814</sup>

SIR A. MACNAB said this was very unfair. Mr. Chabot would soon make some explanations.--(A laugh.)<sup>815</sup>

MR. INSP. GEN. HINCKS:-- When the Attorney General was about to leave Montreal for Toronto, a few members of the Cabinet met for the purpose of suggesting to him the person whom they wished to fill the office; although the present Receiver General's name was mentioned, the appointment did not take place until after the government was removed here. Now, the hon. gentleman had said a great deal at different times, about retrenchment, and it would no doubt be highly satisfactory, if several thousands a year could be saved, as he stated, but the plan proposed by the hon. gentleman could not, by any possibility, be carried into effect; for in the present state of the country it would be impossible for any Cabinet to exist without a large amount of support from the other section of the Province, and he was sorry to say there was a steady desire on the part of that hon. gentleman to throw the largest number of offices into the hands of Upper Canadians exclusively. Now, if all these important offices were to remain in the hands of gentlemen from the Upper Section of Canada, was it to be supposed that their other friends would be satisfied, or think that they were dealt with justly? Yet, in accordance with the arrangement proposed by the hon. gentleman, there would have been five Upper Canadians and only three Lower Canadians in the Cabinet. It was not for him to say whether such an arrangement would be satisfactory or not--at all events he thought it would not, and he would have been the last man to propose it.<sup>816</sup> He (Mr. H.) cared not for a trumpery saving whether it were £600, or £1600 a year, when so great a question was involved as a satisfactory arrangement to the two sections of the Province.<sup>817</sup> Hon. gentlemen well knew how much dissatisfaction existed in Lower Canada when the Board of Works was presided over by an Upper Canadian, in consequence of a belief that their interests were sacrificed to the interests of Upper Canada, and yet, the hon. gentleman was prepared to set the interests and wishes of the people of Lower Canada, on one side altogether, and put, not only that department, but the Crown Lands Office also, out of their reach.<sup>818</sup> If the union were

broken up the government could not be carried on without great additional expense.<sup>819</sup> He could not remember anything distinctly of the conversation respecting the proposal to abolish Mr. Dunscombe's office, and he thought it was indeed rather hard that ministers, who have quite as much as they can do to defend themselves in that House, should be called on to remember all the conversations in which they may have been engaged at different times. In conclusion, he said it was well known that if a member of a Cabinet were defeated on any particular point, he generally retired, and had it in his power sometimes to make a very strong case against the ministry. Now, he confessed that he thought there was some little intention on Mr. Cameron's part, to cabal against his colleagues, when he proposed to Mr. Price to retire on the Clergy Reserves question. And he hardly thought it was fair to himself or the Attorney General West, not to give them an opportunity of going out with him, on such a popular question.<sup>820</sup>

MR. M. CAMERON (Kent) complained of the system of insinuation pursued towards him by the members of the Government. They persisted in leading the public mind away from the facts. It had not been denied that he suggested a reduction in the Inspector-General's department; none of the material statements had been denied. That statement of the Attorney General East, that he (Mr. C.) did not say to Mr. Lafontaine that he (Mr. T.) (sic) would have to take the honorable member for Quebec under charge was untrue. He would now close by replying to one or two remarks of the Inspector General, whose conduct was more fair and truthful than either of his colleagues; but he, too, had resorted to sophistry at the close of his speech; he had sought to charge him (Mr. C.) with caballing or intriguing. Now, however much he might be charged with haste, impulse, or passion, he was not chargeable with intriguing or caballing--he never concealed his course; he had never made a suggestion to the Commissioner of Crown Lands on the Clergy Reserve question; but when the Commissioner repeatedly said to him (Mr. C.) that he (Mr. P.) might have to resign on this question, he (Mr. C.) replied "remain till that time comes, and I will resign with you." It must be obvious to the House now, that if he (Mr. C.) wanted to have made popularity by his resignation he would have brought his colleagues to agree on this point, and gone out on a written memorandum; but it was just because he had not done this, but had left so as to do them no injury, that they have a certain amount of ingenious and so-phistical argumentation to use against him.... The Inspector General had admitted Mr. C.'s proposition to reduce the Customs Department, and did not deny his proposal to abolish Dr. Ryerson's office. He (Mr. C.) must conclude; he was satisfied with the discussion; the facts stated by him had been admitted by every one, and as to the inferences parties would draw from them according to their prejudices, he had the satisfaction of an approving conscience.<sup>821</sup>

MR. H. BOULTON (Norfolk) spoke at considerable length, amidst constant cries of question and interruption.<sup>822</sup> Mr. Boulton said, it was clear that all the Inspector General's explanations were made with a view to Lower Canada,<sup>823</sup> all arrangement to be made, must be made satisfactory to Lower Canada. It is said to be United Canada. But when any question comes up it was two Provinces. This balancing of officials, between U and L Canada, instead of taking the best qualified men, was a gross abuse of the prerogative<sup>824</sup> of public authority.<sup>825</sup> Persons ought to be appointed for their fitness, and their acquaintance with the nature of the duties to be performed.<sup>826</sup> He had a right to assume that the gentleman called to the public works was the fittest man Ministers could find--for surely they were not to make ((a)) family compact throughout the country, and appoint men merely



because they were Frenchmen and natives of Quebec. How fit was he? the answer was to be found in his resignation. Was this curse to be perpetuated, like the balance of power between the Free and Slave States--intelligence sacrificed to dead votes? Could any one persuade him that the Chief Commissioner of Public Works could get any assistance from his Assistant, who was now most singularly united, in the same person, with the President of the Council.<sup>827</sup> Having commented at some length on the subject of those arrangements, he said<sup>828</sup> he was astonished that the Ministry should allow room for the amendment before the House since they had always contended for the settlement of the<sup>829</sup> Clergy Reserve question.... If the Government have no opinion on this question, it proves that they have assumed a position to which they are unequal. He then read extracts from a speech of Mr. Baldwin, in which the late government were strongly condemned for not making the Clergy Reserves a Cabinet question.<sup>830</sup>

MR. INSP. GEN. HINCKS:-- It is not the same question at all.<sup>831</sup>

MR. H. BOULTON continued. If the Government believed the question should not be touched, why did they not attempt to calm the public agitation on the subject.--Of course the people of Upper Canada would bow to the direction of the member for the fourth Riding. It was a vulgar saying, that what was sauce for the goose was sauce for the gander. If it was right for the late administration to take up the Clergy Reserves and made a Cabinet question, it could not be right for the present government to be keeping the question in the background.<sup>832</sup>

MR. NOTMAN would vote against the amendment; but only because it was the wrong time, for the question to come up.<sup>833</sup>

MR. VIGER explained that he resigned, because he did not approve of the change of the Seat of Government, and was especially against its coming first to Toronto. His objection was not<sup>834</sup> because of personal objections to coming to Toronto, but<sup>835</sup> to the removal of the Seat of Government.<sup>836</sup> He stated that he had objected to the removal of the seat of government from Montreal at a Cabinet Council which had been held at Monklands, and thought it was for the credit of the Ministry that it should have been kept there.<sup>837</sup>

SIR A. MACNAB desired an adjournment, complaining that it was unfair to keep them there from 10 in the morning until 2 o'clock the next<sup>838</sup>.

The adjournment was objected to by the ministry.<sup>839</sup>

(23)

*Mr. Sherwood of Brockville moved, seconded by Sir Allan N. MacNab, and the Question being put, That the Debate be adjourned until to-morrow; the House divided:--And it passed in the Negative.*

*And the Question being put on the Amendment; the House divided: and the names being called for, they were taken down, as follow:--*

YEAS.

*Messieurs Burritt, Cameron of KENT, DeWitt, Egan, Holmes, Lyon, McConnell, and Papineau.--(8.)*

NAYS.

*Messieurs Armstrong, Badgley, Attorney General Baldwin, Boulton of TORONTO, Bouthillier, Cartier, Cauchon, Cayley, Chabot, Chauveau, Christie, Davignon, Solicitor General Drummond, Duchesnay, Dumas, Fergusson, Flint, Fortier, Fournier, Guillet, Hall, Hincks, Jobin, Johnson, Lacoste, Attorney General LaFontaine, Laurin, Lemieux, Sir Allan N. MacNab, Malloch, McLean, Méthot, Meyers, Mongenais, Morrison, Nelson, Notman, Price, Richards, Robinson, Ross, Sauvageau, Scott of TWO MOUNTAINS, Seymour, Sherwood of BROCKVILLE, Smith of DURHAM, Smith of WENTWORTH, Stevenson, Taché, and Viger.--(50.)*

*So it passed in the Negative.*

And the House having continued to sit until after twelve of the clock, on Tuesday morning;

TUESDAY, 28 MAY, 1850;

And the main Question being again proposed:--and a further Debate arising thereupon;

Mr. Lyon moved, seconded by Mr. Sherwood of Brockville, and the Question being put, That it is now four minutes past one o'clock in the morning; that this House has sat since ten o'clock yesterday morning; and that the Debate be adjourned until this day;

The House divided: and the names being called for, they were taken down, as follow:--

YEAS.

Messieurs Badgley, Boulton of TORONTO, Christie, Egan, Johnson, Lyon, Malloch, McLean, Meyers, and Sherwood of BROCKVILLE.--(10.)

NAYS.

Messieurs Armstrong, Attorney General Baldwin, Bouthillier, Burritt, Cartier, Cauchon, Chabot, Chauveau, Davignon, DeWitt, Solicitor General Drummond, Duchesnay, Dumas, Fergusson, Flint, Fortier, Fournier, Guillet, Hall, Hincks, Holmes, Jobin, Lacoste, Attorney General LaFontaine, Laurin, Lemieux, Sir Allan N. MacNab, McConnell, Méthot, Mongenais, Morrison, Nelson, Notman, Papineau, Price, Richards, Ross, Sauvageau, Scott of TWO MOUNTAINS, Smith of DURHAM, Smith of WENTWORTH, Stevenson, Taché, and Viger.--(44.)

So it passed in the Negative.

Sir Allan N. MacNab moved, seconded by Mr. Christie, and the Question being put, That this House do now adjourn;

The House divided: and the names being called for, they were taken down, as follow:--

YEAS.

Messieurs Badgley, Christie, Lyon, Sir Allan N. MacNab, Malloch, and Papineau.--(6.)

NAYS.

Messieurs Armstrong, Attorney General Baldwin, Bouthillier, Burritt, Cameron of KENT, Cartier, Cauchon, Cayley, Chabot, Chauveau, Davignon, DeWitt, Solicitor General Drummond, Duchesnay, Dumas, Fergusson, Flint, Fortier, Fournier, Guillet, Hall, Hincks, Holmes, Jobin, Johnson, Lacoste, Attorney General LaFontaine, Laurin, Lemieux, McConnell, Méthot, Meyers, Mongenais, Morrison, Nelson, Notman, Price, Richards, Robinson, Ross, Sauvageau, Scott of TWO MOUNTAINS, Seymour, Smith of DURHAM, Smith of WENTWORTH, Stevenson, Taché, and Viger.--(48.)

So it passed in the Negative.

MR. W. BOULTON (Toronto) had an amendment to move, but he would not do so from respect to himself, seeing that the House refused to adjourn after four motions had been made.<sup>840</sup>

(23)

Then the main Question being put; the House divided: and the names being called for, they were taken down, as follow:--

YEAS.

Messieurs Armstrong, Attorney General Baldwin, Bouthillier, Burritt, Cameron of KENT, Cartier, Cauchon, Chabot, Chauveau, Davignon, DeWitt, Solicitor General Drummond, Duchesnay, Dumas, Egan, Fergusson, Flint, Fortier, Fournier, Guillet, Hall, Hincks, Holmes, Jobin, Johnson, Lacoste, Attorney General LaFontaine, Laurin, Lemieux, Lyon, Méthot, Mongenais, Morrison, Nelson, Notman, Price, Richards, Ross, Sauvageau, Scott of TWO MOUNTAINS, Smith of DURHAM, Smith of

WENTWORTH, Taché, and Viger.--(44.)

NAYS.

Messieurs Badgley, Boulton of TORONTO, Cayley, Christie, Sir Allan N. MacNab, Malloch, McConnell, McLean, Meyers, Papineau, Robinson, Seymour, Sherwood of BROCKVILLE, and Stevenson.--(14.)

So it was carried in the Affirmative.

*Resolved*, That an humble Address be presented to His Excellency the Governor General, thanking His Excellency for his gracious Speech from the Throne at the opening of the present Session of Parliament:

To assure His Excellency that this House cordially unites with him in deeply regretting the death of the Queen Dowager, a Princess whose many virtues endeared her to all classes of Her Majesty's subjects:

That the occurrences of the past year, and the necessity which had arisen for providing suitable accommodation for Parliament while in Session, having imposed on His Excellency the duty of considering during the Recess, the important subject contained in the Address of this House of last Session, relating to the places for holding the future meetings of the Legislature, His Excellency in giving effect to the prayer of that Address by summoning Parliament to meet at this place, has given additional proof of his desire to meet the wishes of the People, as expressed through their Representatives:

That this House trusts with His Excellency, that the important changes recently made in the Imperial Navigation Laws, and the improvements effected in the Provincial Canals, will tend to promote materially the commercial interests of the Province, and to attract to the route of the St. Lawrence, a considerable portion of the Emigration from Europe to this Continent:

That it affords this House much gratification to learn from His Excellency that recent advices from England indicate a marked improvement in the value of Canadian Securities in the British market, and they assure His Excellency that nothing shall be wanting on their part which may have a tendency to encourage such reviving confidence:

That this House is fully sensible of the great importance to these Colonies of placing the Trade between the British North American Provinces on the most unrestricted footing, and they rejoice to learn that His Excellency has, during the Recess, been in communication with the Lieutenant Governors of Nova Scotia, New Brunswick, and Prince Edward Island, and with the Governor of Newfoundland, upon this subject, and to assure His Excellency that they are fully prepared to place such powers in the hands of the Executive Government as may enable it to meet the advances of the Sister Colonies in a liberal spirit:

That this House is pleased to learn that a measure for the establishment of free trade between Canada and the United States in certain articles the natural products of each, corresponding to that passed by the Legislature of this Pro-

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vince at its last Session on the same subject, is now under the consideration of the Congress of that country:

That this House is glad to learn that by an Act passed during the last Session of the Imperial Parliament, the entire control of the internal Posts in British North America is vested in the Provincial Authorities, and they are prepared to take such further action on this subject as may be necessary in order to secure for the inhabitants of this Province, the benefit of a cheap and uniform postage rate:

That the expediency of effecting an encrease in the Parliamentary Representation of the Province shall not fail again to engage their attention:

That this House will give its best attention to any measure that may be submitted for its consideration, founded on the Report of the Commissioners appointed to enquire into the conduct, discipline, and management of the Provin-



cial Penitentiary, and they feel that the increasing wealth and population of the Province, and the growing aversion to Capital Punishment, render it highly important that the system of discipline established in that Institution, and in the Gaols, should be made as far as possible effectual for the prevention of crime and the reformation of offenders:

That they will be happy to receive the communications from Her Majesty's Commissioners for the promotion of the Exhibition of the Works of Industry of all Nations, to be held in London, in 1851, transmitted to His Excellency through Her Majesty's Secretary of State for the Colonies, and they feel the fullest confidence that the hope expressed by His Excellency that Canadian industry and produce will be fittingly represented on that occasion, will not be disappointed:

That this House is happy to find that the practice and proceedings in the Court of Chancery in Upper Canada have been placed upon an improved footing, calculated to facilitate the business of the Court and lessen expense to suitors:

To assure His Excellency that they will not fail to take into their most deliberate consideration, as of analogous, and perhaps even equal importance, the jurisdiction and practice of the Inferior Courts in that part of the Province, with a view to the extension of their sphere of usefulness, and the lessening as much as possible the expense of litigation:

That the regulation of Municipalities, and the construction of Gaols and Court Houses in Lower Canada, and the laws for the selection and return of Jurors, and those for the Assessment of property for local purposes in Upper Canada, shall also engage their best attention:

That this House will not fail to give their most careful consideration to the Accounts of the past, and the Estimates for the present year, whenever they shall be transmitted to them by His Excellency:

That this House receives with peculiar satisfaction the recommendation of His Excellency to direct their attention to an enquiry into the Revenue and Expenditure of the Province, and trust that the consideration of this important subject thus introduced under the highest sanction, will not fail to be attended with beneficial results, as well in dispelling illusory expectations, as in leading to the adoption of every practicable retrenchment that the efficiency of the public service will permit:

To assure His Excellency that he may fully rely on the readiness of this House to grant the necessary Supplies for the public service, and for the maintenance of the Provincial credit, than which they feel no duty connected with the discharge of their legislative functions to be more sacred:

That this House fully concurs with His Excellency that in the exercise of the Prerogative with which he is entrusted, it was his duty to mark Her Majesty's disapprobation of the course taken by persons holding Commissions at the pleasure of the Crown, who formally avowed the desire to bring about the separation of this Province from the Empire of which it is a part:

To assure His Excellency that the views put forward by such persons, and by those who act with them, do not find favor with any considerable portion of Her Majesty's Canadian subjects:

That the great majority of the people of the Province have, on the contrary, given at this conjuncture proofs, not to be mistaken, of loyalty to the Queen, and attachment to the connection with Great Britain: they look to their own Parliament for the redress of grievances which may be proved to exist, and for the adoption of such measures of improvement as may be calculated to promote their happiness and prosperity; and the confidence placed by them in the wisdom of Parliament will, this House is assured, be fully justified. While dealing unsparingly with abuses, they will not barter away for novelties, rights dear to British subjects, nor abandon those principles of good faith, morality and constitutional freedom, the strict adherence to which has enabled Great Britain,

with God's blessing, to pass unscathed through many perils.

Committee to draw up Address.                      Resolved, That the said Resolution be referred to a Select Committee composed of the Honorable Mr. Attorney General Baldwin, Mr. Fergusson, Mr. Armstrong, Mr. Richards, and Mr. Ross, to prepare and report the draught of an Address in answer to the Speech of His Excellency the Governor General to both Houses of the Legislature, in conformity with the said Resolution.

Address reported.                      The Honorable Mr. Attorney General Baldwin reported from the Select Committee appointed to draw up an Address to His Excellency the Governor General, that they had drawn up an Address accordingly; and the same was read, as followeth:--

To His Excellency The Right Honorable James, Earl of Elgin and Kincardine, Knight of the Most Ancient and Most Noble Order of the Thistle, Governor General of British North America, and Captain General and Governor in Chief in and over the Provinces of Canada, Nova Scotia, New Brunswick, and the Island of Prince Edward, and Vice Admiral of the same, &c., &c., &c.

May it please Your Excellency,

We, Her Majesty's dutiful and loyal Subjects, the Commons of Canada in Provincial Parliament assembled, humbly thank Your Excellency for your most gracious Speech from the Throne, at the opening of the present Session.

We beg leave to assure Your Excellency that this House cordially unites with Your Excellency in deeply regretting the death of the Queen Dowager, a Princess whose many virtues endeared her to all classes of Her Majesty's subjects.

The occurrences of the past year, and the necessity which had arisen for providing suitable accommodation for Parliament while in Session, having imposed on Your Excellency the duty of considering during the Recess, the important subject contained in the Address of this House of last Session, relating to the places for holding the future meetings of the Legislature, we feel that Your Excellency in giving effect to the prayer of that Address by summoning Parliament to meet at this place, has given additional proof of your desire to meet the wishes of the People, as expressed through their Representatives.

This House trusts with Your Excellency, that the important changes recently made in the Imperial Navigation Laws, and the improvements effected in the Pro-

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vincial Canals, will tend to promote materially the commercial interests of the Province, and to attract to the route of the St. Lawrence, a considerable portion of the Emigration from Europe to this Continent.

It affords this House much gratification to learn from Your Excellency that recent advices from England indicate a marked improvement in the value of Canadian Securities in the British market, and we assure Your Excellency that nothing shall be wanting on our part which may have a tendency to encourage such reviving confidence.

We are fully sensible of the great importance to these Colonies of placing the Trade between the British North American Provinces on the most unrestricted footing, and we rejoice to learn that Your Excellency has, during the Recess, been in communication with the Lieutenant Governors of Nova Scotia, New Brunswick, and Prince Edward Island, and with the Governor of Newfoundland, upon this subject, and we assure Your Excellency that we are fully prepared to place such powers in the hands of the Executive Government as may enable it to meet the advances of the Sister Colonies in a liberal spirit.

This House is pleased to learn that a measure for the establishment of free trade between Canada and the United States in certain articles the natural pro-



ducts of each, corresponding to that passed by the Legislature of this Province at its last Session on the same subject, is now under the consideration of the Congress of that country.

We are glad to learn that by an Act passed during the last Session of the Imperial Parliament, the entire control of the internal Posts in British North America is vested in the Provincial Authorities, and are prepared to take such further action on this subject as may be necessary in order to secure for the inhabitants of this Province, the benefit of a cheap and uniform postage rate.

The expediency of effecting an encrease in the Parliamentary Representation of the Province shall not fail again to engage our attention.

The House will give its best attention to any measure that may be submitted for its consideration, founded on the Report of the Commissioners appointed to enquire into the conduct, discipline and management of the Provincial Penitentiary; feeling that the increasing wealth and population of the Province, and the growing aversion to Capital Punishment, renders it highly important that the system of discipline established in that Institution, and in the Gaols, should be made as far as possible effectual for the prevention of crime and the reformation of offenders.

We will be happy to receive the communications from Her Majesty's Commissioners for the promotion of the Exhibition of the Works of Industry of all Nations, to be held in London, in 1851, transmitted to Your Excellency through Her Majesty's Secretary of State for the Colonies, and we feel the fullest confidence that the hope expressed by Your Excellency that Canadian industry and produce will be fittingly represented on that occasion, will not be disappointed.

The House is happy to find that the practice and proceedings in the Court of Chancery in Upper Canada have been placed upon an improved footing, calculated to facilitate the business of the Court and lessen expense to suitors.

We assure Your Excellency that we will not fail to take into our most deliberate consideration, as of analogous, and perhaps even equal importance, the jurisdiction and practice of the Inferior Courts in that part of the Province, with a view to the extension of their sphere of usefulness, and the lessening as much as possible the expense of litigation.

The regulation of Municipalities, and the construction of Gaols and Court Houses in Lower Canada, and the laws for the selection and return of Jurors, and those for the Assessment of property for local purposes in Upper Canada, shall also engage our best attention.

We will not fail to give our most careful consideration to the Accounts of the past, and the Estimates for the present year, whenever they shall be transmitted to us by Your Excellency.

We receive with peculiar satisfaction the recommendation of Your Excellency to direct our attention to an enquiry into the Revenue and Expenditure of the Province, and trust that the consideration of this important subject thus introduced under the highest sanction, will not fail to be attended with beneficial results, as well in dispelling illusory expectations, as in leading to the adoption of every practicable retrenchment that the efficiency of the public service will permit.

We assure Your Excellency that you may fully rely on the readiness of this House to grant the necessary Supplies for the public service, and for the maintenance of the Provincial credit, than which we feel no duty connected with the discharge of our legislative functions to be more sacred.

We fully concur with Your Excellency that in the exercise of the Prerogative with which you are entrusted by our gracious Sovereign, it was Your Excellency's duty to mark Her Majesty's disapprobation of the course taken by persons holding Commissions at the pleasure of the Crown, who formally avowed the desire to bring about the separation of this Province from the Empire of which it is a part.



We assure Your Excellency that the views put forward by such persons, and by those who act with them, do not find favor with any considerable portion of Her Majesty's Canadian subjects.

The great majority of the people of the Province have, on the contrary, given at this conjuncture proofs, not to be mistaken, of loyalty to the Queen, and attachment to the connection with Great Britain : we feel that they look to their own Parliament for the redress of grievances which may be proved to exist, and for the adoption of such measures of improvement as may be calculated to promote their happiness and prosperity; and the confidence placed by them in the wisdom of Parliament will, we feel assured, be fully justified. While dealing unsparingly with abuses, we will not barter away for novelties, rights dear to British subjects, nor abandon those principles of good faith, morality and constitutional freedom, the strict adherence to which had enabled Great Britain, with God's blessing, to pass unscathed through many perils.

The Honorable Mr. Attorney General Baldwin moved, seconded by the Honorable Mr. Price, and the Question being put, That the said Address be now read a second time; the House divided:--And it was resolved in the Affirmative.

And the said Address, being read a second time, was agreed to.

Ordered, That the said Address be engrossed.

Ordered, That the said Address be presented to His Excellency the Governor General by the whole House.

Ordered, That such Members of this House as are of the Honorable the Executive Council of this Province, do wait upon His Excellency the Governor General to know His Excellency's pleasure when he will be attended by this House with its Address.

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His Excellency appoints to be attended.

The Honorable Mr. Attorney General Baldwin, one of Her Majesty's Executive Council, rose in his place, and acquainted Mr. Speaker and the House, that His Excellency the Governor General will receive the House with its Address in answer to His Excellency's Speech at the opening of the present Session, this day, at three o'clock, P.M., at the Government House.

Adjournment.

Ordered, That when this House doth adjourn, it will adjourn until this day at half-past two o'clock, P.M.

Orders deferred.

Ordered, That the Orders of the day be postponed until the next sitting of the House, this day.

Then, on motion of the Honorable Mr. Attorney General Baldwin, seconded by Mr. Duchesnay,  
The House adjourned.

FOOTNOTES: 27 MAY 1850.

1. The following papers reported the debate on this matter in identical accounts: PILOT, 1 June 1850, PACKET, 8 June 1850; LA MINERVE, 3 June 1850, and JOURNAL DE QUEBEC, 13 June 1850, copied from LA MINERVE. The following papers reported the debate in partially identical accounts: EXAMINER, 29 May 1850, NORTH AMERICAN, 31 May 1850, BRITISH COLONIST, 31 May 1850, BATHURST COURIER, 7 June 1850; HAMILTON SPECTATOR, 1 June 1850, KENT ADVERTISER, 6 June 1850; MORNING CHRONICLE, 3 June 1850, BRITISH WHIG, 6 June 1850, PILOT, 1 June 1850, and PACKET, 8 June 1850. The debate was also reported by: BRITISH COLONIST, 28 May 1850; MONTREAL GAZETTE, 31 May 1850; JOURNAL DE QUEBEC, 4, 6 June 1850; and L'AVENIR, 8 June 1850. MORNING CHRONICLE, 28 May 1850, BATHURST COURIER, 31 May 1850, and PACKET, 1 June 1850, noted the debate in identical accounts. HAMILTON SPECTATOR, 29 May 1850; ST. CATHARINES JOURNAL, 30 May 1850; and PILOT, 1 June 1850, noted the debate. Commentaries appeared in BRITISH COLONIST, 28, 31 May 1850, MONTREAL TRANSCRIPT, 4 June 1850, copied from BRITISH COLONIST, 31 May 1850; and BATHURST COURIER, 7 June 1850.
2. BRITISH COLONIST, 31 May 1850.
3. IBID.
4. IBID.
5. HAMILTON SPECTATOR, 1 June 1850.
6. BRITISH COLONIST, 28 May 1850.
7. MONTREAL GAZETTE, 31 May 1850.
8. HAMILTON SPECTATOR, 1 June 1850.
9. GLOBE, 28 May 1850.
10. HAMILTON SPECTATOR, 1 June 1850.
11. GLOBE, 28 May 1850.
12. MONTREAL GAZETTE, 31 May 1850.
13. HAMILTON SPECTATOR, 1 June 1850.
14. GLOBE, 28 May 1850.
15. HAMILTON SPECTATOR, 1 June 1850.
16. GLOBE, 28 May 1850.
17. HAMILTON SPECTATOR, 1 June 1850.
18. GLOBE, 28 May 1850.
19. BRITISH COLONIST, 28 May 1850.
20. GLOBE, 28 May 1850.
21. BRITISH COLONIST, 28 May 1850.
22. GLOBE, 28 May 1850.
23. BRITISH COLONIST, 28 May 1850.
24. GLOBE, 28 May 1850, gives 1s 9½d as the amount.
25. HAMILTON SPECTATOR, 1 June 1850.
26. GLOBE, 28 May 1850.
27. BRITISH COLONIST, 28 May 1850.
28. GLOBE, 28 May 1850.
29. BRITISH COLONIST, 28 May 1850.
30. GLOBE, 28 May 1850.
31. HAMILTON SPECTATOR, 1 June 1850.
32. GLOBE, 28 May 1850.
33. HAMILTON SPECTATOR, 1 June 1850.
34. MONTREAL GAZETTE, 31 May 1850.
35. GLOBE, 28 May 1850.
36. MONTREAL GAZETTE, 31 May 1850.
37. EXAMINER, 29 May 1850.
38. HAMILTON SPECTATOR, 1 June 1850.
39. GLOBE, 28 May 1850.

40. HAMILTON SPECTATOR, 1 June 1850.
41. GLOBE, 28 May 1850.
42. HAMILTON SPECTATOR, 1 June 1850.
43. GLOBE, 28 May 1850.
44. MONTREAL GAZETTE, 31 May 1850.
45. GLOBE, 28 May 1850.
46. MONTREAL GAZETTE, 31 May 1850.
47. HAMILTON SPECTATOR, 1 June 1850.
48. GLOBE, 28 May 1850.
49. HAMILTON SPECTATOR, 1 June 1850.
50. MONTREAL GAZETTE, 31 May 1850.
51. BRITISH COLONIST, 28 May 1850.
52. MONTREAL GAZETTE, 31 May 1850.
53. BRITISH COLONIST, 28 May 1850.
54. HAMILTON SPECTATOR, 1 June 1850.
55. GLOBE, 28 May 1850.
56. HAMILTON SPECTATOR, 1 June 1850.
57. GLOBE, 28 May 1850.
58. BRITISH COLONIST, 28 May 1850.
59. EXAMINER, 29 May 1850.
60. BRITISH COLONIST, 28 May 1850.
61. GLOBE, 28 May 1850.
62. IBID.
63. PILOT, 1 June 1850.
64. HAMILTON SPECTATOR, 1 June 1850.
65. PILOT, 1 June 1850.
66. HAMILTON SPECTATOR, 1 June 1850.
67. PILOT, 1 June 1850.
68. HAMILTON SPECTATOR, 1 June 1850.
69. PILOT, 1 June 1850.
70. BRITISH COLONIST, 28 May 1850.
71. HAMILTON SPECTATOR, 1 June 1850.
72. BRITISH COLONIST, 28 May 1850.
73. PILOT, 1 June 1850.
74. MONTREAL GAZETTE, 31 May 1850.
75. PILOT, 1 June 1850.
76. HAMILTON SPECTATOR, 1 June 1850.
77. PILOT, 1 June 1850.
78. BRITISH COLONIST, 28 May 1850.
79. HAMILTON SPECTATOR, 1 June 1850.
80. BRITISH COLONIST, 28 May 1850.
81. HAMILTON SPECTATOR, 1 June 1850.
82. BRITISH COLONIST, 28 May 1850.
83. PILOT, 1 June 1850.
84. BRITISH COLONIST, 28 May 1850.
85. GLOBE, 28 May 1850.
86. BRITISH COLONIST, 28 May 1850.
87. GLOBE, 28 May 1850.
88. IBID.
89. BRITISH COLONIST, 28 May 1850.
90. GLOBE, 28 May 1850.
91. BRITISH COLONIST, 28 May 1850.
92. MONTREAL GAZETTE, 31 May 1850.
93. GLOBE, 28 May 1850.
94. HAMILTON SPECTATOR, 1 June 1850.
95. GLOBE, 28 May 1850.



96. IBID.
97. MONTREAL GAZETTE, 31 May 1850.
98. HAMILTON SPECTATOR, 1 June 1850.
99. BRITISH COLONIST, 28 May 1850.
100. MONTREAL GAZETTE, 31 May 1850.
101. HAMILTON SPECTATOR, 1 June 1850.
102. MONTREAL GAZETTE, 31 May 1850.
103. GLOBE, 28 May 1850.
104. HAMILTON SPECTATOR, 1 June 1850.
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106. HAMILTON SPECTATOR, 1 June 1850.
107. MONTREAL GAZETTE, 31 May 1850.
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110. HAMILTON SPECTATOR, 1 June 1850.
111. MONTREAL GAZETTE, 31 May 1850.
112. HAMILTON SPECTATOR, 1 June 1850.
113. BRITISH COLONIST, 28 May 1850.
114. MONTREAL GAZETTE, 31 May 1850.
115. BRITISH COLONIST, 28 May 1850.
116. MONTREAL GAZETTE, 31 May 1850.
117. GLOBE, 28 May 1850.
118. IBID.
119. IBID.
120. MONTREAL GAZETTE, 31 May 1850.
121. GLOBE, 28 May 1850.
122. BRITISH COLONIST, 28 May 1850.
123. HAMILTON SPECTATOR, 1 June 1850.
124. GLOBE, 28 May 1850.
125. IBID.
126. HAMILTON SPECTATOR, 1 June 1850.
127. GLOBE, 28 May 1850.
128. BRITISH COLONIST, 28 May 1850.
129. GLOBE, 28 May 1850.
130. MONTREAL GAZETTE, 31 May 1850.
131. GLOBE, 28 May 1850.
132. HAMILTON SPECTATOR, 1 June 1850.
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136. MONTREAL GAZETTE, 31 May 1850.
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144. GLOBE, 28 May 1850.
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146. MONTREAL GAZETTE, 31 May 1850.
147. HAMILTON SPECTATOR, 1 June 1850.
148. MONTREAL GAZETTE, 31 May 1850.
149. EXAMINER, 29 May 1850.
150. HAMILTON SPECTATOR, 1 June 1850.
151. MONTREAL GAZETTE, 31 May 1850.

152. GLOBE, 28 May 1850.
153. HAMILTON SPECTATOR, 1 June 1850.
154. EXAMINER, 29 May 1850.
155. MONTREAL GAZETTE, 31 May 1850.
156. EXAMINER, 29 May 1850.
157. GLOBE, 28 May 1850.
158. EXAMINER, 29 May 1850.
159. HAMILTON SPECTATOR, 1 June 1850.
160. MONTREAL GAZETTE, 31 May 1850.
161. HAMILTON SPECTATOR, 1 June 1850.
162. GLOBE, 28 May 1850.
163. MONTREAL GAZETTE, 31 May 1850.
164. EXAMINER, 29 May 1850.
165. MONTREAL GAZETTE, 31 May 1850.
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167. MONTREAL GAZETTE, 31 May 1850.
168. HAMILTON SPECTATOR, 1 June 1850.
169. GLOBE, 28 May 1850.
170. HAMILTON SPECTATOR, 1 June 1850.
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173. GLOBE, 28 May 1850.
174. MONTREAL GAZETTE, 31 May 1850.
175. GLOBE, 28 May 1850.
176. MONTREAL GAZETTE, 31 May 1850.
177. HAMILTON SPECTATOR, 1 June 1850.
178. MONTREAL GAZETTE, 31 May 1850.
179. HAMILTON SPECTATOR, 1 June 1850.
180. BRITISH COLONIST, 28 May 1850.
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185. HAMILTON SPECTATOR, 1 June 1850.
186. GLOBE, 28 May 1850.
187. HAMILTON SPECTATOR, 1 June 1850.
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205. MONTREAL GAZETTE, 31 May 1850.
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207. MONTREAL GAZETTE, 31 May 1850.

208. GLOBE, 28 May 1850.
209. MONTREAL GAZETTE, 31 May 1850.
210. PILOT, 1 June 1850.
211. HAMILTON SPECTATOR, 1 June 1850.
212. BRITISH COLONIST, 28 May 1850.
213. GLOBE, 28 May 1850.
214. HAMILTON SPECTATOR, 1 June 1850.
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218. HAMILTON SPECTATOR, 1 June 1850.
219. MONTREAL GAZETTE, 31 May 1850.
220. HAMILTON SPECTATOR, 1 June 1850.
221. IBID.
222. GLOBE, 28 May 1850.
223. BRITISH COLONIST, 28 May 1850.
224. GLOBE, 28 May 1850.
225. HAMILTON SPECTATOR, 1 June 1850.
226. MONTREAL GAZETTE, 31 May 1850.
227. BRITISH COLONIST, 28 May 1850.
228. IBID.
229. HAMILTON SPECTATOR, 1 June 1850.
230. MONTREAL GAZETTE, 31 May 1850.
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233. BRITISH COLONIST, 28 May 1850.
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242. BRITISH COLONIST, 28 May 1850.
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247. BRITISH COLONIST, 28 May 1850.
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250. MONTREAL GAZETTE, 31 May 1850.
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253. MONTREAL GAZETTE, 31 May 1850.
254. GLOBE, 28 May 1850.
255. HAMILTON SPECTATOR, 1 June 1850.
256. BRITISH COLONIST, 28 May 1850.
257. GLOBE, 28 May 1850.
258. BRITISH COLONIST, 28 May 1850.
259. PILOT, 1 June 1850.
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261. PILOT, 1 June 1850.
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263. PILOT, 1 June 1850.



264. MONTREAL GAZETTE, 31 May 1850.
265. BRITISH COLONIST, 28 May 1850.
266. PILOT, 1 June 1850.
267. MONTREAL GAZETTE, 31 May 1850.
268. PILOT, 1 June 1850.
269. BRITISH COLONIST, 28 May 1850.
270. PILOT, 1 June 1850.
271. HAMILTON SPECTATOR, 1 June 1850.
272. PILOT, 1 June 1850.
273. HAMILTON SPECTATOR, 1 June 1850.
274. MONTREAL GAZETTE, 31 May 1850.
275. IBID.
276. PILOT, 1 June 1850.
277. GLOBE, 28 May 1850.
278. MONTREAL GAZETTE, 31 May 1850.
279. PILOT, 1 June 1850.
280. MONTREAL GAZETTE, 31 May 1850.
281. PILOT, 1 June 1850.
282. HAMILTON SPECTATOR, 1 June 1850.
283. PILOT, 1 June 1850.
284. GLOBE, 28 May 1850.
285. HAMILTON SPECTATOR, 1 June 1850.
286. PILOT, 1 June 1850.
287. GLOBE, 28 May 1850.
288. MONTREAL GAZETTE, 31 May 1850.
289. PILOT, 1 June 1850.
290. BRITISH COLONIST, 28 May 1850.
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293. PILOT, 1 June 1850.
294. GLOBE, 28 May 1850.
295. PILOT, 1 June 1850.
296. HAMILTON SPECTATOR, 1 June 1850.
297. MONTREAL GAZETTE, 31 May 1850.
298. PILOT, 1 June 1850.
299. BRITISH COLONIST, 28 May 1850.
300. HAMILTON SPECTATOR, 1 June 1850.
301. MONTREAL GAZETTE, 31 May 1850.
302. GLOBE, 28 May 1850.
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305. GLOBE, 28 May 1850.
306. HAMILTON SPECTATOR, 1 June 1850.
307. IBID.
308. GLOBE, 28 May 1850.
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317. MONTREAL GAZETTE, 31 May 1850.
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326. HAMILTON SPECTATOR, 1 June 1850.
327. BRITISH COLONIST, 28 May 1850.
328. GLOBE, 28 May 1850.
329. BRITISH COLONIST, 28 May 1850.
330. GLOBE, 30 May 1850.
331. HAMILTON SPECTATOR, 1 June 1850.
332. GLOBE, 30 May 1850.
333. HAMILTON SPECTATOR, 1 June 1850.
334. BRITISH COLONIST, 28 May 1850.
335. HAMILTON SPECTATOR, 1 June 1850.
336. BRITISH COLONIST, 28 May 1850.
337. HAMILTON SPECTATOR, 1 June 1850.
338. GLOBE, 30 May 1850.
339. HAMILTON SPECTATOR, 1 June 1850.
340. GLOBE, 30 May 1850.
341. HAMILTON SPECTATOR, 1 June 1850.
342. BRITISH COLONIST, 28 May 1850.
343. GLOBE, 30 May 1850.
344. MONTREAL GAZETTE, 31 May 1850.
345. GLOBE, 30 May 1850.
346. HAMILTON SPECTATOR, 1 June 1850.
347. EXAMINER, 29 May 1850.
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352. EXAMINER, 29 May 1850.
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368. EXAMINER, 29 May 1850.
369. HAMILTON SPECTATOR, 1 June 1850.
370. MONTREAL GAZETTE, 31 May 1850.
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377. HAMILTON SPECTATOR, 1 June 1850.
378. EXAMINER, 29 May 1850.
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384. EXAMINER, 29 May 1850.
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387. HAMILTON SPECTATOR, 1 June 1850.
388. GLOBE, 30 May 1850.
389. MONTREAL GAZETTE, 31 May 1850.
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399. MONTREAL GAZETTE, 31 May 1850.
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403. EXAMINER, 29 May 1850.
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405. GLOBE, 30 May 1850.
406. HAMILTON SPECTATOR, 1 June 1850.
407. GLOBE, 30 May 1850.
408. BRITISH COLONIST, 28 May 1850.
409. EXAMINER, 29 May 1850.
410. MONTREAL GAZETTE, 31 May 1850.
411. EXAMINER, 29 May 1850.
412. GLOBE, 30 May 1850.
413. HAMILTON SPECTATOR, 1 June 1850.
414. IBID.
415. GLOBE, 30 May 1850.
416. EXAMINER, 29 May 1850.
417. GLOBE, 30 May 1850.
418. MONTREAL GAZETTE, 31 May 1850.
419. GLOBE, 30 May 1850.
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422. MONTREAL GAZETTE, 31 May 1850.
423. EXAMINER, 29 May 1850.
424. HAMILTON SPECTATOR, 1 June 1850.
425. MONTREAL GAZETTE, 31 May 1850.
426. HAMILTON SPECTATOR, 1 June 1850.
427. GLOBE, 30 May 1850.
428. EXAMINER, 29 May 1850.
429. MONTREAL GAZETTE, 31 May 1850.
430. BRITISH COLONIST, 28 May 1850.
431. EXAMINER, 29 May 1850.



432. HAMILTON SPECTATOR, 1 June 1850.
433. MONTREAL GAZETTE, 31 May 1850.
434. HAMILTON SPECTATOR, 1 June 1850.
435. EXAMINER, 29 May 1850.
436. MONTREAL GAZETTE, 31 May 1850.
437. IBID.
438. HAMILTON SPECTATOR, 1 June 1850.
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458. IBID.
459. GLOBE, 30 May 1850.
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461. BRITISH COLONIST, 28 May 1850.
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465. BRITISH COLONIST, 28 May 1850.
466. IBID.
467. EXAMINER, 29 May 1850.
468. MONTREAL GAZETTE, 31 May 1850.
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473. EXAMINER, 29 May 1850.
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476. MONTREAL GAZETTE, 31 May 1850.
477. EXAMINER, 29 May 1850.
478. IBID.
479. IBID.
480. MONTREAL GAZETTE, 31 May 1850.
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491. GLOBE, 30 May 1850.
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496. MONTREAL GAZETTE, 31 May 1850.
497. GLOBE, 30 May 1850.
498. IBID.
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506. BRITISH COLONIST, 28 May 1850.
507. GLOBE, 30 May 1850.
508. IBID.
509. BRITISH COLONIST, 28 May 1850.
510. EXAMINER, 29 May 1850.
511. GLOBE, 30 May 1850.
512. BRITISH COLONIST, 28 May 1850.
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514. MONTREAL GAZETTE, 31 May 1850.
515. GLOBE, 30 May 1850.
516. BRITISH COLONIST, 28 May 1850.
517. MONTREAL GAZETTE, 31 May 1850.
518. EXAMINER, 29 May 1850.
519. GLOBE, 30 May 1850.
520. EXAMINER, 29 May 1850.
521. MONTREAL GAZETTE, 31 May 1850.
522. BRITISH COLONIST, 28 May 1850.
523. GLOBE, 30 May 1850.
524. MONTREAL GAZETTE, 31 May 1850.
525. EXAMINER, 29 May 1850.
526. GLOBE, 30 May 1850.
527. EXAMINER, 29 May 1850.
528. GLOBE, 30 May 1850.
529. BRITISH COLONIST, 28 May 1850.
530. MONTREAL GAZETTE, 31 May 1850.
531. BRITISH COLONIST, 28 May 1850.
532. MONTREAL GAZETTE, 31 May 1850.
533. BRITISH COLONIST, 28 May 1850.
534. GLOBE, 30 May 1850.
535. EXAMINER, 29 May 1850.
536. GLOBE, 30 May 1850.
537. BRITISH COLONIST, 28 May 1850.
538. EXAMINER, 29 May 1850.
539. GLOBE, 30 May 1850.
540. EXAMINER, 29 May 1850.
541. GLOBE, 30 May 1850.
542. MONTREAL GAZETTE, 31 May 1850.

- 543. GLOBE, 30 May 1850.
- 544. MONTREAL GAZETTE, 31 May 1850.
- 545. IBID.
- 546. BRITISH COLONIST, 28 May 1850.
- 547. EXAMINER, 29 May 1850.
- 548. GLOBE, 30 May 1850.
- 549. EXAMINER, 29 May 1850.
- 550. GLOBE, 30 May 1850.
- 551. BRITISH COLONIST, 28 May 1850.
- 552. GLOBE, 30 May 1850.
- 553. EXAMINER, 29 May 1850.
- 554. MONTREAL GAZETTE, 31 May 1850.
- 555. EXAMINER, 29 May 1850.
- 556. MONTREAL GAZETTE, 31 May 1850.
- 557. EXAMINER, 29 May 1850.
- 558. MONTREAL GAZETTE, 31 May 1850.
- 559. BRITISH COLONIST, 28 May 1850.
- 560. MONTREAL GAZETTE, 31 May 1850.
- 561. BRITISH COLONIST, 28 May 1850.
- 562. MONTREAL GAZETTE, 31 May 1850.
- 563. EXAMINER, 29 May 1850.
- 564. GLOBE, 30 May 1850.
- 565. BRITISH COLONIST, 28 May 1850.
- 566. EXAMINER, 29 May 1850.
- 567. MONTREAL GAZETTE, 31 May 1850.
- 568. GLOBE, 30 May 1850.
- 569. MONTREAL GAZETTE, 31 May 1850.
- 570. EXAMINER, 29 May 1850.
- 571. MONTREAL GAZETTE, 31 May 1850.
- 572. GLOBE, 30 May 1850.
- 573. MONTREAL GAZETTE, 31 May 1850.
- 574. BRITISH COLONIST, 28 May 1850.
- 575. MONTREAL GAZETTE, 31 May 1850.
- 576. EXAMINER, 29 May 1850.
- 577. MONTREAL GAZETTE, 31 May 1850.
- 578. EXAMINER, 29 May 1850.
- 579. MONTREAL GAZETTE, 31 May 1850.
- 580. EXAMINER, 29 May 1850.
- 581. MONTREAL GAZETTE, 31 May 1850.
- 582. EXAMINER, 29 May 1850.
- 583. MONTREAL GAZETTE, 31 May 1850.
- 584. IBID.
- 585. HAMILTON SPECTATOR, 1 June 1850.
- 586. MORNING CHRONICLE, 3 June 1850.
- 587. HAMILTON SPECTATOR, 1 June 1850.
- 588. MORNING CHRONICLE, 3 June 1850.
- 589. HAMILTON SPECTATOR, 1 June 1850.
- 590. MORNING CHRONICLE, 3 June 1850.
- 591. HAMILTON SPECTATOR, 1 June 1850.
- 592. BATHURST COURIER, 7 June 1850.
- 593. HAMILTON SPECTATOR, 1 June 1850.
- 594. MORNING CHRONICLE, 3 June 1850.
- 595. IBID.
- 596. HAMILTON SPECTATOR, 1 June 1850.
- 597. MORNING CHRONICLE, 3 June 1850.
- 598. HAMILTON SPECTATOR, 1 June 1850.



- 599. MORNING CHRONICLE, 3 June 1850.
- 600. BATHURST COURIER, 7 June 1850.
- 601. HAMILTON SPECTATOR, 1 June 1850.
- 602. BATHURST COURIER, 7 June 1850.
- 603. HAMILTON SPECTATOR, 1 June 1850.
- 604. MORNING CHRONICLE, 3 June 1850.
- 605. HAMILTON SPECTATOR, 1 June 1850.
- 606. BATHURST COURIER, 7 June 1850.
- 607. HAMILTON SPECTATOR, 1 June 1850.
- 608. BATHURST COURIER, 7 June 1850.
- 609. HAMILTON SPECTATOR, 1 June 1850.
- 610. BATHURST COURIER, 7 June 1850.
- 611. HAMILTON SPECTATOR, 1 June 1850.
- 612. BATHURST COURIER, 7 June 1850.
- 613. HAMILTON SPECTATOR, 1 June 1850.
- 614. MORNING CHRONICLE, 3 June 1850.
- 615. BATHURST COURIER, 7 June 1850.
- 616. IBID.
- 617. IBID.
- 618. MORNING CHRONICLE, 3 June 1850.
- 619. BATHURST COURIER, 7 June 1850.
- 620. MORNING CHRONICLE, 3 June 1850.
- 621. BATHURST COURIER, 7 June 1850.
- 622. HAMILTON SPECTATOR, 1 June 1850.
- 623. BATHURST COURIER, 7 June 1850.
- 624. HAMILTON SPECTATOR, 1 June 1850.
- 625. BATHURST COURIER, 7 June 1850.
- 626. MORNING CHRONICLE, 3 June 1850.
- 627. BATHURST COURIER, 7 June 1850.
- 628. HAMILTON SPECTATOR, 1 June 1850.
- 629. BATHURST COURIER, 7 June 1850.
- 630. HAMILTON SPECTATOR, 1 June 1850.
- 631. MORNING CHRONICLE, 3 June 1850.
- 632. HAMILTON SPECTATOR, 1 June 1850.
- 633. BATHURST COURIER, 7 June 1850.
- 634. MORNING CHRONICLE, 3 June 1850.
- 635. HAMILTON SPECTATOR, 1 June 1850.
- 636. MORNING CHRONICLE, 3 June 1850.
- 637. BATHURST COURIER, 7 June 1850.
- 638. HAMILTON SPECTATOR, 1 June 1850.
- 639. MORNING CHRONICLE, 3 June 1850.
- 640. IBID.
- 641. HAMILTON SPECTATOR, 1 June 1850.
- 642. BATHURST COURIER, 7 June 1850.
- 643. HAMILTON SPECTATOR, 1 June 1850.
- 644. BATHURST COURIER, 7 June 1850.
- 645. IBID.
- 646. IBID.
- 647. HAMILTON SPECTATOR, 1 June 1850.
- 648. MORNING CHRONICLE, 3 June 1850.
- 649. IBID.
- 650. HAMILTON SPECTATOR, 1 June 1850.
- 651. MORNING CHRONICLE, 3 June 1850.
- 652. HAMILTON SPECTATOR, 1 June 1850.
- 653. MORNING CHRONICLE, 3 June 1850.

- 654. HAMILTON SPECTATOR, 1 June 1850.
- 655. MORNING CHRONICLE, 3 June 1850.
- 656. HAMILTON SPECTATOR, 1 June 1850.
- 657. BATHURST COURIER, 7 June 1850.
- 658. HAMILTON SPECTATOR, 1 June 1850.
- 659. MORNING CHRONICLE, 3 June 1850.
- 660. HAMILTON SPECTATOR, 1 June 1850.
- 661. BATHURST COURIER, 7 June 1850.
- 662. HAMILTON SPECTATOR, 1 June 1850.
- 663. MORNING CHRONICLE, 3 June 1850.
- 664. HAMILTON SPECTATOR, 1 June 1850.
- 665. BATHURST COURIER, 7 June 1850.
- 666. HAMILTON SPECTATOR, 1 June 1850.
- 667. BATHURST COURIER, 7 June 1850.
- 668. HAMILTON SPECTATOR, 1 June 1850.
- 669. MORNING CHRONICLE, 3 June 1850.
- 670. BATHURST COURIER, 7 June 1850.
- 671. IBID.
- 672. IBID.
- 673. HAMILTON SPECTATOR, 1 June 1850.
- 674. BATHURST COURIER, 7 June 1850.
- 675. HAMILTON SPECTATOR, 1 June 1850.
- 676. BATHURST COURIER, 7 June 1850.
- 677. MORNING CHRONICLE, 3 June 1850.
- 678. BATHURST COURIER, 7 June 1850.
- 679. HAMILTON SPECTATOR, 1 June 1850.
- 680. BATHURST COURIER, 7 June 1850.
- 681. HAMILTON SPECTATOR, 1 June 1850.
- 682. BATHURST COURIER, 7 June 1850.
- 683. HAMILTON SPECTATOR, 1 June 1850.
- 684. BATHURST COURIER, 7 June 1850.
- 685. HAMILTON SPECTATOR, 1 June 1850.
- 686. BATHURST COURIER, 7 June 1850.
- 687. HAMILTON SPECTATOR, 1 June 1850.
- 688. BATHURST COURIER, 7 June 1850.
- 689. HAMILTON SPECTATOR, 1 June 1850.
- 690. BATHURST COURIER, 7 June 1850.
- 691. HAMILTON SPECTATOR, 1 June 1850.
- 692. BATHURST COURIER, 7 June 1850.
- 693. HAMILTON SPECTATOR, 1 June 1850.
- 694. BATHURST COURIER, 7 June 1850.
- 695. HAMILTON SPECTATOR, 1 June 1850.
- 696. MORNING CHRONICLE, 3 June 1850.
- 697. HAMILTON SPECTATOR, 1 June 1850.
- 698. BATHURST COURIER, 7 June 1850.
- 699. IBID.
- 700. HAMILTON SPECTATOR, 1 June 1850.
- 701. BATHURST COURIER, 7 June 1850.
- 702. HAMILTON SPECTATOR, 1 June 1850.
- 703. BATHURST COURIER, 7 June 1850.
- 704. HAMILTON SPECTATOR, 1 June 1850.
- 705. BATHURST COURIER, 7 June 1850.
- 706. HAMILTON SPECTATOR, 1 June 1850.
- 707. BATHURST COURIER, 7 June 1850.
- 708. HAMILTON SPECTATOR, 1 June 1850.

- 709. BATHURST COURIER, 7 June 1850.
- 710. MORNING CHRONICLE, 3 June 1850.
- 711. HAMILTON SPECTATOR, 1 June 1850.
- 712. IBID.
- 713. MORNING CHRONICLE, 3 June 1850.
- 714. IBID.
- 715. HAMILTON SPECTATOR, 1 June 1850.
- 716. MORNING CHRONICLE, 3 June 1850.
- 717. HAMILTON SPECTATOR, 1 June 1850.
- 718. MORNING CHRONICLE, 3 June 1850.
- 719. HAMILTON SPECTATOR, 1 June 1850.
- 720. BATHURST COURIER, 7 June 1850.
- 721. HAMILTON SPECTATOR, 1 June 1850.
- 722. BATHURST COURIER, 7 June 1850.
- 723. HAMILTON SPECTATOR, 1 June 1850.
- 724. BATHURST COURIER, 7 June 1850.
- 725. HAMILTON SPECTATOR, 1 June 1850.
- 726. BATHURST COURIER, 7 June 1850.
- 727. HAMILTON SPECTATOR, 1 June 1850.
- 728. BATHURST COURIER, 7 June 1850.
- 729. HAMILTON SPECTATOR, 1 June 1850.
- 730. MORNING CHRONICLE, 3 June 1850.
- 731. HAMILTON SPECTATOR, 1 June 1850.
- 732. MORNING CHRONICLE, 3 June 1850.
- 733. IBID.
- 734. HAMILTON SPECTATOR, 1 June 1850.
- 735. BATHURST COURIER, 7 June 1850.
- 736. HAMILTON SPECTATOR, 1 June 1850.
- 737. BATHURST COURIER, 7 June 1850.
- 738. HAMILTON SPECTATOR, 1 June 1850.
- 739. MORNING CHRONICLE, 3 June 1850.
- 740. HAMILTON SPECTATOR, 1 June 1850.
- 741. IBID.
- 742. IBID.
- 743. MORNING CHRONICLE, 3 June 1850.
- 744. HAMILTON SPECTATOR, 1 June 1850.
- 745. BATHURST COURIER, 7 June 1850.
- 746. HAMILTON SPECTATOR, 1 June 1850.
- 747. MORNING CHRONICLE, 3 June 1850.
- 748. HAMILTON SPECTATOR, 1 June 1850.
- 749. MORNING CHRONICLE, 3 June 1850.
- 750. HAMILTON SPECTATOR, 1 June 1850.
- 751. MORNING CHRONICLE, 3 June 1850.
- 752. BATHURST COURIER, 7 June 1850.
- 753. MORNING CHRONICLE, 3 June 1850.
- 754. HAMILTON SPECTATOR, 1 June 1850.
- 755. BATHURST COURIER, 7 June 1850.
- 756. HAMILTON SPECTATOR, 1 June 1850.
- 757. MORNING CHRONICLE, 3 June 1850.
- 758. HAMILTON SPECTATOR, 1 June 1850.
- 759. MORNING CHRONICLE, 3 June 1850.
- 760. HAMILTON SPECTATOR, 1 June 1850.
- 761. BATHURST COURIER, 7 June 1850.
- 762. HAMILTON SPECTATOR, 1 June 1850.
- 763. BATHURST COURIER, 7 June 1850.



- 764. HAMILTON SPECTATOR, 1 June 1850.
- 765. BATHURST COURIER, 7 June 1850.
- 766. HAMILTON SPECTATOR, 1 June 1850.
- 767. MORNING CHRONICLE, 3 June 1850.
- 768. HAMILTON SPECTATOR, 1 June 1850.
- 769. IBID.
- 770. MORNING CHRONICLE, 3 June 1850.
- 771. HAMILTON SPECTATOR, 1 June 1850.
- 772. MORNING CHRONICLE, 3 June 1850.
- 773. HAMILTON SPECTATOR, 1 June 1850.
- 774. MORNING CHRONICLE, 3 June 1850.
- 775. HAMILTON SPECTATOR, 1 June 1850.
- 776. MORNING CHRONICLE, 3 June 1850.
- 777. HAMILTON SPECTATOR, 1 June 1850.
- 778. IBID.
- 779. IBID.
- 780. MORNING CHRONICLE, 3 June 1850.
- 781. BATHURST COURIER, 7 June 1850.
- 782. HAMILTON SPECTATOR, 1 June 1850.
- 783. MORNING CHRONICLE, 3 June 1850.
- 784. NORTH AMERICAN, 31 May 1850.
- 785. MORNING CHRONICLE, 3 June 1850.
- 786. IBID.
- 787. IBID.
- 788. NORTH AMERICAN, 31 May 1850.
- 789. HAMILTON SPECTATOR, 1 June 1850.
- 790. MORNING CHRONICLE, 3 June 1850.
- 791. HAMILTON SPECTATOR, 1 June 1850.
- 792. IBID.
- 793. MORNING CHRONICLE, 3 June 1850.
- 794. HAMILTON SPECTATOR, 1 June 1850.
- 795. MORNING CHRONICLE, 3 June 1850.
- 796. HAMILTON SPECTATOR, 1 June 1850.
- 797. MORNING CHRONICLE, 3 June 1850.
- 798. HAMILTON SPECTATOR, 1 June 1850.
- 799. MORNING CHRONICLE, 3 June 1850.
- 800. HAMILTON SPECTATOR, 1 June 1850.
- 801. BATHURST COURIER, 7 June 1850.
- 802. HAMILTON SPECTATOR, 1 June 1850.
- 803. MORNING CHRONICLE, 3 June 1850.
- 804. HAMILTON SPECTATOR, 1 June 1850.
- 805. MORNING CHRONICLE, 3 June 1850.
- 806. BATHURST COURIER, 7 June 1850.
- 807. MORNING CHRONICLE, 3 June 1850.
- 808. HAMILTON SPECTATOR, 1 June 1850.
- 809. BATHURST COURIER, 7 June 1850.
- 810. HAMILTON SPECTATOR, 1 June 1850.
- 811. BATHURST COURIER, 7 June 1850.
- 812. MORNING CHRONICLE, 3 June 1850.
- 813. IBID.
- 814. IBID.
- 815. IBID.
- 816. HAMILTON SPECTATOR, 1 June 1850.
- 817. BATHURST COURIER, 7 June 1850.
- 818. HAMILTON SPECTATOR, 1 June 1850.

- 819. BATHURST COURIER, 7 June 1850.
- 820. HAMILTON SPECTATOR, 1 June 1850.
- 821. NORTH AMERICAN, 31 May 1850.
- 822. HAMILTON SPECTATOR, 1 June 1850.
- 823. MORNING CHRONICLE, 3 June 1850.
- 824. BATHURST COURIER, 7 June 1850.
- 825. MORNING CHRONICLE, 3 June 1850.
- 826. BATHURST COURIER, 7 June 1850.
- 827. MORNING CHRONICLE, 3 June 1850.
- 828. BATHURST COURIER, 7 June 1850.
- 829. MORNING CHRONICLE, 3 June 1850.
- 830. BATHURST COURIER, 7 June 1850.
- 831. IBID.
- 832. IBID.
- 833. MORNING CHRONICLE, 3 June 1850.
- 834. IBID.
- 835. HAMILTON SPECTATOR, 1 June 1850.
- 836. MORNING CHRONICLE, 3 June 1850.
- 837. MONTREAL GAZETTE, 31 May 1850.
- 838. IBID.
- 839. IBID.
- 840. IBID.

TUESDAY, 28 MAY 1850.

(26)

The House at-  
tend His Ex-  
cellency with  
their Address.

AT the hour appointed, Mr. Speaker and the House at-  
tended upon His Excellency the Governor General, with the  
Address of the House.

And being returned;

Mr. Speaker reported, that the House had attended upon  
His Excellency with their Address in answer to the Speech of His Excellency to both  
Houses of the Legislature, to which His Excellency was pleased to make the following  
Answer:

Gentlemen of the Legislative Assembly,

I sincerely thank you for this loyal Address; and I place entire reliance on  
your wisdom and prudence to assist me in the adoption of such measures as may tend  
to promote the prosperity of the Province, to develop its resources, and to con-  
firm its credit.

Petitions  
brought up.

The following Petitions were severally brought up, and  
laid on the table:

By Mr. DeWitt,--The Petition of J.H. Dorwin and others,  
of the Township of Rawdon, County of Leinster; the Petition of the Reverend Messire  
Charland and others, of the Parish of St. Clément, County of Beauharnois; the Peti-  
tion of William Workman and others, on behalf of the Corporation of the Montreal  
and Province Line Junction Railway Company; and the Petition of the Company of Pro-  
prietors of the Champlain and St. Lawrence Railroad.

By Mr. Cauchon,--The Petition of Moyse Morin, and Alexis Morin, Esquires, of the  
County of Rimouski; the Petition of Mrs. Adelaide Turcot, widow of the late John  
Clark, Esquire, of Quebec; the Petition of Louis Blanchet and others, members of the  
Temperance Society of the Parish of St. Charles, County of Bellechasse; and the  
Petition of the Reverend N.S. Hébert and others, of the Counties of L'Islet and Kam-  
ouraska.

By Mr. Scott of Two Mountains,--The Petition of J.A. Berthelot, Esquire, and  
others, of the Parish of St. Eustache; and the Petition of the Minister, Church  
Wardens, and other members of the Church of England at Grenville.

By Mr. Armstrong,--The Petition of the Reverend J.L. Guyon and others, of the  
Parish of Ste. Elizabeth; the Petition of Louis Magnan and others, of the Parish of  
Ste. Elizabeth; and the Petition of the Reverend Messire Lébourdais and others, of  
the County of St. Maurice.

By Mr. Notman,--The Petition of Aaron Silverthorn and Newman Silverthorn, of the  
Township of Toronto; the Petition of H.J. Greenstreet, of West Flamborough; and the  
Petition of Samuel V. Doran and others, of the Township of Yarmouth, County of  
Middlesex.

By the Honorable Mr. Badgley,--The Petition of the Reverend Robert Lindsay, the  
Minister, and others, Church Wardens and members of the Church of England at Brome  
and Sutton; and the Petition of the Reverend Richard Whitwell, Minister, and others,  
Church Wardens and members of the Church of England at St. Armand West.

By Mr. Guillet,--The Petition of P. Defossé and others, of the Seigniorship of  
Cap de la Madeleine, District of Three Rivers; and the Petition of J.O. Houd and  
others, of Grondines and other Parishes.

By Mr. McLean,--The Petition of the Reverend Andrew Balfour, Minister, and  
others, Church Wardens and members of the Church of England at Kingsey.

By Mr. Lacoste,--The Petition of the Reverend Messire Quintal and others, of the  
Parish of Boucherville.

By Mr. Chauveau,--The Petition of the Reverend L.T. Bernard and others, of the  
Parish of Beauport; and the Petition of the Reverend Léon Noël and others, of the  
Parish of Beaumont.

By the Honorable Mr. Robinson,--The Petition of Robert Buchanan and others.



By Mr. Hopkins,--The Petition of George Kennedy and others, of Toronto and other Townships.

By Mr. Taché,--The Petition of Alexis Rivard, Esquire, and Joseph Garon, Esquire, of Rimouski; the Petition of the Reverend T. Destroismaisons and others, of the Parish of St. Germain de Rimouski, County of Rimouski; the Petition of the Reverend J. Doucet and others, members of the Temperance Society of the Parish of St. Jean Baptiste de l'Isle Verte, County of Rimouski; the Petition of L.J. Lepage, Mayor, and L.F. Garon, Secretary-Treasurer, on the behalf of the Municipality Number Two, of the County of Rimouski; and the Petition of the Reverend F.X. Delage and others, members of the Temperance Society of the Parish of l'Islet.

By Mr. Flint, the Petition of Colin M.K. McDonald and others.

By Mr. Mongenais,--The Petition of J.W. Parent and others, of the Parish of Ste. Zotique du Côteau Landing, and other places, in the County of Vaudreuil.

By Mr. Morrison,--The Petition of the President and Directors of the Etobicoke and Mono Sixth Line Road Company.

By Mr. Holmes,--The Petition of the Montreal Mining Company.

By Mr. Seymour,--the Petition of Milo Parke and others, of the Township of Fredericksburgh.

By Mr. Méthot,--The Petition of Messieurs Gooderham and Worts and others, Ship-masters, trading to the Ports of Quebec and Montreal; and the Petition of James Walker and others, of the City of Quebec.

By the Honorable Mr. Sherwood,--The Petition of the Honorable Adam Ferrie and others, Members of the Canada, New Brunswick and Nova Scotia Railway Company.

By Mr. Bouthillier,--The Petition of the Reverend G. Crevier and others, of St. Hyacinthe; the Petition of E. Cartier, Esquire, Mayor, and B. de la Bruère, Secretary-Treasurer, on behalf of the Municipal Council of the County of St. Hyacinthe; and the Petition of the Corporation of the College of St. Hyacinthe.

By Mr. Stevenson,--The Petition of R.C. Wilkins and others, of the Township of Ameliasburgh; and the Petition of James Pierson and others, of the third concession of the Township of Hillier, County of Prince Edward.

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By Mr. Dumas,--The Petition of Louis Bertrand, Esquire, Mayor, and A. Fraser, Secretary-Treasurer, on behalf of the Municipal Council of Rimouski; and the Petition of C.H. Lassiseraye, of the Town of Three Rivers.

By Mr. Fergusson,--The Petition of John Frost, Esquire, and others of the Counties of Waterloo and Simcoe.

By Mr. McConnell,--The Petition of Alexander Kilborn and others, Trustees of the Stanstead Seminary.

By the Honorable Mr. Boulton,--The Petition of the Municipality of the Township of Woodhouse.

By Mr. Smith of Wentworth,--Two Petitions of the Municipality of the Township of Brantford.

By Mr. Ross,--The Petition of the Reverend L. Provancher and others, of Tring and other Townships, County of Megantic; the Petition of the Reverend W. King and others, the Ministers, Wardens and Members of the Church of England at the Township of Broughton; and the Petition of Robert Cobban, of the Township of Inverness, County of Megantic.

By the Honorable Mr. Viger,--The Petition of the Reverend E. Lavoie and others, of the Parish of St. Vincent de Paul, District of Montreal; the Petition of the Reverend A. Théberge, Curé, and others, of the Parish of St. Louis de Terrebonne; the Petition of the Reverend Joseph Duguet and others, of the Parish of Ste. Thérèse de Blainville; the Petition of the Reverend A. Théberge, Curé, and others, Church Wardens of the Parish of St. Louis de Terrebonne, County of Terrebonne; and the Petition of the Reverend A.H. Giroux and others, of the County of Terrebonne.

By Mr. Scott of Bytown,--The Petition of the Mayor and Town Council of Bytown; the Petition of the very Reverend Angus MacDonell, President of the College of

Regiopolis; and the Petition of the Right Reverend the Bishop of Bytown.

By Mr. Bell,--The Petition of the Reverend John McMorine, Moderator, and the Reverend W. Bain, Presbytery Clerk, in behalf of the Presbytery of Bathurst.

By the Honorable Mr. Attorney General LaFontaine,--The Petition of the Right Reverend the Roman Catholic Bishop of Montreal; the Petition of Mrs. S.S. Wilkes and others, Office Bearers of the Montreal Protestant Orphan Asylum; and the Petition of Sister Jeanne de Chantal and other Sisters of Charity of Montreal.

By Mr. Jobin,--The Petition of Joseph Jobin, of the City of Montreal.

By Mr. Davignon,--The Petition of Pierre Gamelin, Notary, of the Village of St. Johns, District of Montreal; and the Petition of M. Townsend and others, the Board of Directors of the Clarenceville Academy.

By Mr. Gugy,--The Petition of the Reverend J. Nicholls, M.A., Principal, on behalf of the Council of Bishop's College at Lennoxville.

By Mr. Smith of Durham,--The Petition of David Hoover and others, of Scugog Island; the Petition of Michael McDonagh and others, of the Township of Mara, County of York; and the Petition of Donald McKay and others, of Whitby and other Townships.

By Mr. Chabot,--The Petition of the Committee of Ladies of the Protestant Female Orphan Asylum at Quebec; the Petition of the Ladies Committee of the Quebec Infant School; and the Petition of the Directresses of the Charitable Association of the Roman Catholic Ladies of Quebec.

By Mr. Cartier,--The Petition of the Reverend X.O. Bruneau and others, of the Parish of St. François-Xavier de Verchères.

By Mr. Prince,--The Petition of Donald Cameron, of Thorah; the Petition of Anne McDonnough, widow, of the City of Kingston; and the Petition of R. Stuart Woods and others, of the Towns of Sandwich and Windsor.

By Mr. Egan,--The Petition of Sister E. Bruyère and others, Nuns, on behalf of the Communauté des Révérendes Soeurs de la Charité de Bytown; the Petition of the Right Reverend the Bishop of Bytown; and the Petition of the Municipality of the Township of Bayham.

Petitions read.

Pursuant to the Order of the day, the following Petitions were read:--

Of J. Johnston and others, inhabitants of the Province of Canada; praying the passing of an Act to enable Creditors having claims which now are or hereafter may become due against persons holding Public Offices, or receiving Pensions from the Crown, to attach such Salaries or Pensions for the liquidation of such claims.

Of the Reverend C. Aubry and others, of the Parish of St. Joseph de la Rivière des Prairies; praying the repeal of the existing Municipal Council Act, and the re-enactment of the Act establishing Parish Municipalities.

Of Amable Simard and others, of the Parish of St. Joseph de la Rivière des Prairies; of V.S. Fontaine, Esquire, and others, of the Parish of La Pointe aux Trembles, District of Montreal; of the Reverend Joseph Asselin and others, of the Parish of L'Ange Gardien, County of Montmorency; of the Reverend A. Groulx and others, of the Parishes of St. Benoit and St. Placide, County of Two Mountains; of the Reverend S.M. Brassard and others, of the Parish of Longueuil, County of Chambly; of Augustin Pigeon, Esquire, and others, of the Parish of St. Mathieu de Beloeil; of the Reverend F. Labelle and others, of the Parish of Repentigny; of Olivier Plette and others, members of the Temperance Society of the Parish of St. Roch des Aulnets, District of Quebec; of the Honorable A. Dionne and others, members of the Temperance Society of Ste. Anne LaPocatière; and of Pierre Boucher and others, of the Parish of St. Simon, County of St. Hyacinthe; praying that certain measures be adopted for the suppression of intemperance.

Of George Hyde, Townreeve, and others, on behalf of the Municipality of the Township of Plympton; praying for the sale of the Clergy Reserve and Rectory Lands, and that the proceeds accruing therefrom be appropriated to purposes of general education.

Of Thomas Edison and others, of the Township of Bayham; praying for the passing of an Act to unite the said Township to the County of Oxford, and the rejection of



any other proposition with reference thereto.

Of the Reverend F. Bonin, of the Parish of Ste. Scholastique; praying a loan or grant of a certain sum of money to enable him to complete a Schoolhouse in the village of St. Andrews.

Of the Right Reverend the Roman Catholic Bishop of Montreal, and others, the Corporation of Chambly College; praying for the usual aid in support of the said College, and also an additional sum to establish a Model Farm in connection therewith.

Of the Reverend S.M. Brassard and others, of the Parish of Longueuil; praying that the 10th clause of the Act 4 Vic. cap. 16, establishing the Chambly and Longueuil Turnpike Trust, may be so amended as to exempt Ministers, under certain circumstances, from the payment of Tolls.

Of La Corporation des Clercs de St. Viateur; praying for a certain annual aid.

Of James Keeler, of the Township of Edwardsburgh, County of Grenville; praying for the passing of an Act to confirm certain side lines in the said Township run by certain Commissioners appointed for that purpose.

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Of J.P. Déry, Esquire, and others, of the Parish of St. Raymond, County of Portneuf; praying for the establishment of a determinate rate on the concession of Seigniorial lands, and for the abolition of the right of retrait and lods et ventes, and that provision be made for indemnifying the Seignior therefor.

Of the Minister, Elders, and Trustees of St. Andrew's Church, Quebec; praying for aid in support of the School connected with said Church.

Of B.H. Ives and others, of the District of St. Francis; praying a grant of money to open a road from the outlet of Lake Memphremagog to Sherbrooke.

Of the Ministers and members of the Church of England at Buckingham, County of Ottawa; of the Reverend T.A. Young and others, the Minister, Wardens, and other members of the Church of England, of St. Martin, and other Parishes in the County of Terrebonne; of the Reverend John Johnston, the Minister and others, Wardens and members of the Church of England, at Hull and Aylmer, Lower Canada; and of the Reverend Jacob Linge and others, the Minister, Church Wardens, and other members of the Church of England at West Frampton, in Lower Canada; praying that the privilege of conferring degrees in the Arts and in Divinity may be extended to Bishop's College, and the annual grant to the said College so increased as to place it upon an equal footing with similar institutions throughout the Province.

Of the Right Reverend the Bishop of Bytown; praying aid in support of the College of Bytown.

Of Sister E. Bruyère, and others, Nuns, on behalf of the Communauté des Révérendes Soeurs de la Charité de Bytown; praying for aid to enable them to support the Hospital for the care of the sick and orphans in the said Town.

Of the Municipality of the Township of Whitchurch; praying that measures be adopted to obtain a repeal of the Imperial Act relating to the Clergy Reserves, and that the funds accruing therefrom be appropriated to purposes of general education,-- and also for the abolition of the Rectories.

Of the Toronto Mechanics' Institute; praying for certain amendments to their Act of incorporation.

Of Samuel Pinnock and others, of the Townships of Hillier and Ameliasburgh, District of Prince Edward; praying that certain parts of the said Townships be erected into a new Township, to be called "Ontario."

Of William Anderson and others, of the Township of Ameliasburgh, County of Prince Edward; praying that no action may be taken by the House with reference to a certain line in the said Township surveyed by Alexander Aitkins, but that all decisions in the matter be left to the Courts of Justice.

Of the Municipal Council of the District of Talbot; praying that compensation be made to Freeman Rose, for personal injury sustained by him while in the discharge of his duty as Constable of the said District.



Of David Bourque and others, of the Parish of St. Norbert d'Arthabaska, District of Three Rivers; praying for the repeal or amendment of the Common School Act of Lower Canada.

Of Charles F. Pratt and others, of Charlesbourg and other Parishes, County of Quebec; praying for the passing of an Act to authorize the Quebec Turnpike Commissioners to continue the Charlesbourg Road towards St. Pierre, to the distance of seven miles.

Of H. LeMesurier, Esquire, and others, Merchants, of the City of Quebec; praying for an Act of Incorporation to enable them to construct a Railroad from Pointe Levi, opposite Quebec, to the Boundary Line between Lower Canada and the Province of New Brunswick.

Of Joseph Plante and others, Pilots for and below the Port of Quebec; praying that the application for an Act to incorporate the Pilots for and below the Port of Quebec be not granted, unless upon certain conditions therein mentioned.

Of George Hall and others, grocers, traders, and retail merchants, of the City of Quebec; praying for certain alterations in the law regarding the Inspection of Weights and Measures in the District of Quebec, for the prevention of fraud therein.

Of Barthelemy Lachance and others, Pilots for and below the Port of Quebec; praying that the application for amending the 53d and 54th Sections of the Act passed last Session relative to the Trinity House of Quebec, be not granted.

Of Jean Guerard and others, of the City of Quebec; praying for the passing of an Act to incorporate the Ship-Carpenters of the District of Quebec.

Of the Bank of Upper Canada; praying for the passing of an Act to extend the time for paying up the increased Capital Stock thereof.

Of Antoine Charest and others, of the County of Champlain; praying for the passing of an Act to abolish certain Seigniorial rights, and to alter and regulate certain other Seigniorial rights therein mentioned.

Of the Municipal Council of the United Counties of Huron, Perth, and Bruce; praying for the passing of an Act to enable them to tax wild Lands in the said Counties.

Of the Municipal Council of the United Counties of Huron, Perth, and Bruce; praying that the salaries of all County Officers may be placed under the control of the County Councils.

Of John Day and others, of the Parish of St. Sylvestre, County of Lotbinière; praying for the passing of an Act to indemnify Jurors for attendance in criminal cases.

Of Aimé Cinq Mars and others, of Lotbinière and other Parishes; praying for a reduction of the rates or taxes imposed at the Port of Montreal upon small vessels navigating the St. Lawrence.

Of Thomas Tracy and others, Roman Catholics of School Section No. 10, in the Township of Kitley; praying for the re-establishment of separate Schools, and the equitable distribution of Common School Funds.

Of W.M. Harty and others, of Lower Canada; praying that a free competition be allowed to the different systems of Medical treatment, subject to the same liabilities.

Of N.F. Belleau and others, of the City and District of Quebec; praying for the passing of an Act to incorporate them under the name of the "Quebec and Richmond Railroad Company."

Of the Municipality of the Township of Puslinch; praying for the passing of an Act to enable Corporations to assess property according to its real value, and also to tax parties at present exempted therefrom.

Of the Municipal Council of the County of Waterloo; praying that the licensing of Inns and other Houses of entertainment be placed under the control and authority of the respective Municipalities.

Of the Municipal Council of the County of Waterloo; praying for the adoption of a more equitable system of Assessment in Upper Canada.

Of the Municipal Council of the County of Waterloo; praying that any applica-

tion for detaching a part of the said County to form a new County be not granted, except in so far as regards the Townships in the Owen's Sound tract.

Of Thomas Askew and others, of the City of Kingston; praying for an Act of Incorporation under the name of the Kingston Fire and Marine Insurance Company.

Of John F. McCarthy and others, Inhabitants of Howe Island; praying that the said Island may be set apart as a distinct Township.

Of the Right Reverend the Roman Catholic Bishop of Montreal and others, Members of the Corporation of the Seminary of Ste. Thérèse de Blainville; praying cer-

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tain aids for the support and completion of the said Institution.

Of Pierre A.C. Munro and others, Physicians and Surgeons, Professors of the School of Medicine, and others, of the City of Montreal; praying for certain amendments to the Act incorporating the said School of Medicine.

Of the Reverend H. Routier and others, of the Counties of Kamouraska and Rimouski; praying for the protection of game and wild fowl in the said Counties.

Of Louis G. Tremblay and others, of Chicoutimi, La Baie des Ha-Ha, and other places in the County of Saguenay; praying aid for the completion and repair of the Road between Ste. Agnès and La Baie des Ha-Ha, and certain branch roads proceeding therefrom.

Of the President and Directors of the County of Shefford Academy; praying for the usual aid in support of the said Institution.

Of the Municipal Council of the Village of Galt; praying that measures be adopted for appropriating the fund accruing from the Clergy Reserve Lands and the Rectories to purposes of general education.

Of the Municipal Council of the County of Norfolk; representing that the Townships of Walpole and Rainham having been separated from the said County for all save Judicial purposes, the said County is obliged to defray the expenses connected with the administration of Justice in the said Townships without receiving any equivalent therefor, and praying relief in the premises.

Of L.A. Dessaulles, Mayor, and others, Councillors and Inhabitants of the Village of St. Hyacinthe; praying for a special Act to incorporate the said Village, with certain enlarged powers for its better management.

Of William Magrath, and others, Hop-planters, and others interested in the Agriculture of the country; praying that the duty on Hops may be restored to its former rate.

Of the Montreal Ladies Benevolent Society; praying for aid in support of the said Institution.

Of Thomas Kirkpatrick and others, of the City of Kingston; praying for an Act of Incorporation for the purpose of establishing a Rural Cemetery near the said City.

Of the Municipality of the Township of Brantford; praying a renewal of the Charter of the Niagara and Detroit Rivers Railroad Company.

Of the Municipality of the Township of Brantford; praying that the office of Chief Superintendent of Education be merged in some Department of the Government.

Of Edouard Masse and others, of Bytown; praying for aid in behalf of the College of Bytown similar to that granted to other institutions of a like nature.

Of Lewis D. Adams and others, of the Township of Maryborough, County of Waterloo; representing that they have settled upon Clergy Reserve Lands,--complaining of the unfair manner in which a valuation of the said lands has been made by the Surveyor thereof, and praying for the appointment of a Commission to investigate the premises,--also for the opening of a road through that and certain other Townships.

Of James Cummings, Esquire, and others, of the City of Hamilton; praying for an Act of Incorporation under the name of the Hamilton Gas Light Company.

Of W. L. Felton, Esquire, and others, Electors of the County of Sherbrooke; setting forth: That the Return made by William Ritchie, Returning Officer of the County of Sherbrooke, to that certain Writ of Election dated at Toronto the fifth



day of February now last past, and to him addressed, commanding him to proceed to the election of a Member to represent the said County of Sherbrooke in the House during the present Parliament, is false, improper, illegal and untrue, and that the nomination of John Sewall Sanborn in the said Return to the said Writ of Election named, and the poll to him accorded by the said Returning Officer, and the pretended election of him the said John Sewall Sanborn, and each and every of them, is and are wholly contrary to the laws and customs of this Province, and to the usages of Parliament, and insufficient to enable the said John Sewall Sanborn to sit or vote in the House as the Member thereof for the said County of Sherbrooke; and the Petitioners beg leave to assign the following causes and reasons as grounds of objection against the said nomination, poll, election, and return, which the Petitioners and other Electors have already set forth in and by their protests on the days of nomination and of return, publicly delivered to the said Returning Officer: 1st Because the said John Sewall Sanborn was born in the United States of America, of alien parents, citizens of the said United States, and therefore incapable of being elected for or sitting or voting in the House: 2nd. Because the said John Sewall Sanborn hath not been naturalized under or by virtue of any Act of the Imperial Parliament, or of the Parliament of this Province, or under the provisions of the laws respecting naturalization now in force in this Province, so as to enable him to be elected to or to sit or vote in the House: 3rd. Because the said John Sewall Sanborn on or previous to the said nomination day, to wit, the said twenty-sixth day of February last past, had not taken the oaths of allegiance and residence, or either of them, in the form prescribed by Law, after having had his settled place of abode in this Province for the space of seven years continually before taking the said oaths; neither had he observed, done, performed or complied with any of the other acts and formalities prescribed by Law to invest him with the rights and privileges of a British subject: 4th. Because the taking of the usual oaths at the time of the admission to the Bar of the said John Sewall Sanborn, unpreceded by a previous continued residence of seven years in this Province, was not and cannot be held or considered a compliance with the provisions of the naturalization Laws of this Province: 5th. Because the said John Sewall Sanborn not having been entitled on the said nomination day, to wit, on the twenty-sixth day of February last past, to the rights and privileges of a British subject, could not by any subsequent act or oath performed or taken by him after the said day, legalize or validate his nomination on that day, nor entitle him to demand and have a legal poll, or to be elected and returned upon such illegal nomination and poll: 6th. Because, inasmuch as the said John Sewall Sanborn was not on the said nomination day entitled to the rights and privileges of a British subject and was therefore incapable of being then nominated or elected, the opposing candidate Chester Bissell Cleveland, Esquire, was of right entitled to be forthwith proclaimed duly elected as a Member to represent the said County in the House: 7th. Because the said Returning Officer in and by his Proclamation made on the said nomination day, and by his Warrant addressed to Charles O'Connor as Deputy Returning Officer for the united Townships of Hereford, Auckland and Clifton, did order the said Charles O'Connor to open and hold the poll for the said united Townships of Hereford, Auckland and Clifton, at a building called the Weston School House, in the said Township of Hereford, or at the nearest convenient place; and the said Charles O'Connor not regarding the said Proclamation or Warrant, but contriving and intending to favor the cause of the said John Sewall

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Sanborn did, without the knowledge or consent of the said Chester Bissell Cleveland, the opposing candidate, or of his agent or representative, open and hold a poll for the said united Townships of Hereford, Auckland and Clifton, at a place distant three miles and upwards from that at which he was by the said Warrant ordered and empowered to hold the said poll; by means whereof divers duly qualified electors of the said Chester Bissell Cleveland, and divers aliens and others who had no legal right to vote were permitted to vote for the said John Sewall Sanborn, by reason of



the absence of any legal representative or agent of the said Chester Bissell Cleveland: 8th. Because the Deputy Returning Officer for the Township of Compton, Luke Wadleigh, did not hold the poll for the said Township of Compton in a convenient place admitting of free access thereto to every elector, as required by Law, but on the contrary did hold the said poll for the said Township in the back part of the upper story of a certain building in the said Township, and did place constables, who were violent partizans of and voted for the said John Sewall Sanborn, at the front outside door of the said building, with orders to prevent access to all persons who should not satisfy the said constables that they were electors; and the said constables prevented the friends of Chester Bissell Cleveland from approaching the poll; and praying that the House will be pleased to take the premises into consideration, and will order due enquiry to be made into the allegations above set forth, and thereupon that the House will be pleased to set aside the election of the said John Sewall Sanborn, and declare the said Return made by the said Returning Officer to the said Writ of Election null and void; and thereupon that the said Chester Bissell Cleveland be declared to be the rightful Member of the House to represent the said County of Sherbrooke therein, and that he be permitted forthwith to take his seat as such Member aforesaid; the whole with costs against the said John Sewall Sanborn.

Ordered, That the said Petition be printed for the use of the Members of this House.

Expenses of  
the Legisla-  
ture and Civil  
Government.

Mr. Christie moved, seconded by Mr. Prince, and the Question being proposed, That it is expedient to reduce the expenses of the Legislature, of the Civil List, and generally of the Civil Government of the Province, so as not to impair its efficiency:

Salaries in  
lieu of fees.

That it is expedient to fund all fees of office amounting annually to £        or upwards, and to allow fixed salaries in lieu thereof to the Incumbents:

Governor Gen-  
eral's Salary.

That it is expedient humbly to address Her Majesty, praying that the salary to Her Majesty's Representative in this Province be defrayed from the Imperial Treasury:

Attornies  
General.

That it is expedient to withdraw the Attornies General from the political business of the (Executive) Government and to restrict them to their official duties as (principal)

Law Officers of the Crown:

Elective  
Principle.

That it is expedient to introduce the elective principle into the constitution of the Legislative Council (and generally into all appointments to office under the Govern-

ment of this Province;)<sup>1</sup>

MR. CHRISTIE ... was nearly inaudible in the reporters' box. He was understood to speak in favor of retrenchment. There was no allusion to retrenchment in the speech, nor in the address in answer to it. The allusion to this subject was very guarded. He proposed reducing the expenses of the Government, and funding fees of office. With reference to the former, he would reduce all salaries, and abolish some offices. The salary of the Governor General, he thought, ought to be defrayed from the Imperial Treasury.<sup>2</sup> He spoke of the recent retrenchment in New Brunswick and<sup>3</sup> instituted a comparison between the expenses of our Government and that of the prosperous and more populous State of New York. He found the salary of the Governor of that State only amounted to four thousand dollars. The honorable gentleman carried his comparison through the various offices showing a vast disproportion between the two governments, and showing that Canada paid immensely more than did the State of New York.<sup>4</sup> In 1842 no less than £43,160, were paid as Salaries, whereas if the parties were paid by a fixed Salary £8000 or £9000 would be sufficient.<sup>5</sup> He did not find that the public service of Canada was more efficient than that of New York, but he thought the reverse was the case. The whole cost of the executive of the State of New York only amounted to \$28,785, including those for their governor,

which is less than we paid for our governor alone; and our governor was only a colonial governor and had no foreign relations to give his attention to. He considered \$31,000 a frightful sum for this poor colony to pay. Our governor did not request such a sum; we had no aristocracy; we had in effect nothing more than a mere labouring population; and there was no necessity that the governor should live in great state<sup>6</sup>. ((He)) would be prepared to vote that the Governor General's salary should be cut down to ten thousand dollars yearly.<sup>7</sup> The hon. member proceeded to show that the whole machinery of our government was cumbrous and clumsy. He did not think that such an officer as the president of the Council was required. He did not see why we should have two commissioners of Public Works. Two Attorney Generals at £1300 a-year each he considered frightful, and for doing what? He did not know, but he feared not much good. The fact was, they were mere political characters, and he should consider one quite enough for this. He showed that all the other departments were on the same extravagant scale. He did not think that the Attorneys General should be in the Cabinet at all. He instanced as one effect of it in the flatitious (sic) dismissal of Mr. Dixon. In England the idea of placing Attorneys General in the Cabinet would be scouted. And he did not think that if our Attorneys General had not been members of the Cabinet, they would not have dared to give such advice as they did in Mr. Dixon's case, at least they would not have been actuated by political vindictiveness. He reverted to the enormous expenses of our judicature. He went over the salaries of the various officers, and compared them with those of the U.S. He did not find that our judicial officers were of a higher order than those of the U. States, who did not receive half the amount of salary. The cost of Canadian jurisdiction exceeded that of the whole of the United States by \$2000, and this not including Sheriffs' salaries. He asked if that were tolerable? If the country could bear it? He would lay those facts coolly and dispassionately before the house, trusting to its sense and good judgment. With reference to the funding of Fees, he stated that in 1848 the amount of Fees received by different officers was £43,000, and he believed the amount should be set down at a greater sum, say £50,000. This was exclusive of the high salaries paid. By the system of Fees some officers received enormous salaries, whom £500 a year would abundantly pay. He enlarged on the necessity there was for making the salary of the Governor General a charge on the Imperial Treasury, and of the expediency of introducing the elective principle into the constitution of the Legislative Council, and into appointments to office. He read from an address of the House of Assembly of Lower Canada, praying for an elective Legislative Council, in favor of which Mr. Lafontaine had voted.<sup>8</sup> He had heard much of the motion which was passed last Session, giving the members of the House £1 per day. He had moved that resolution and he was not sorry for it.<sup>9</sup> He said his object in moving a resolution was to get the subject brought prominently before the country at the next general election.<sup>10</sup>

MR. AT. GEN. BALDWIN said after the discussion on the subject of taking up the question of the public revenue by peace-meal (sic) and when the whole subject was to be referred to a<sup>11</sup> financial committee,<sup>12</sup> he did not expect to see the hon. member for Gaspé going so decidedly against the expression of the House on that occasion.<sup>13</sup> He appeared to think that course had been chosen by the Administration in order to avoid meeting the question fairly.<sup>14</sup> The ministry, in this matter, were guided by precedents of several different administrations in England; and he was of opinion that we could not go wrong by being guided by precedents of the British Parliament in all cases. He deprecated the practice of appealing to the dollar prejudices of the community.<sup>15</sup> ((He)) was sure that he and all his colleagues were prepared for Retrenchment, so far as it would combine public efficiency with public economy.<sup>16</sup> In reference to the paragraph of the Address, which spoke of the "illusory expectations of retrenchment," he thought that nothing could be more proper or more necessary at the time that the House was about to enter upon the question, at the recommendation of the highest authority in the country, than that they should say, not that every expectation on the subject was illusory, but that illusory expectations were indulged in, and that these could not be fulfilled. If the member for Gaspé



thought that a committee of the House would be unable to arrive at proper views of this question with all the information at their command, could there be anything wrong in saying that of the thousands out of the house, there were some who were not well informed on it? No countenance ought to be given to the notion that these changes should be carried out to the detriment of the public service.<sup>17</sup> He was persuaded that this house at least would take the matter up in a wise spirit, and<sup>18</sup> every member of the administration was about to enter upon the duty of making them with a hearty desire to do all that was possible<sup>19</sup> consistent with the efficiency of the public service.<sup>20</sup> This desire for reducing the Salaries of the heads of departments had very suddenly sprang (sic) up--since the gentlemen on the opposition benches were in receipt of these Salaries and he thought it wrong that the question should be constantly being brought up and made the subject of popular agitation<sup>21</sup> and excitement.<sup>22</sup> He was sorry to see that before any information was obtained, his hon. friends opposite were prejudging the question; how were they prepared to judge this question now if they would not be able to do so after receiving it?<sup>23</sup> And he would therefore move, seconded by hon. MR. COM. PUB. WORKS MERRITT, for the postponement of the consideration of those resolutions until the first Monday in July next<sup>24</sup>, till the committee on the general subject had been appointed. With reference to the subject of the attorneys general being members of the Cabinet, the member for Gaspé would find that although these officers were not Cabinet ministers in England, it was the custom there to have as members of the Cabinet certain persons who were fitted to advise on legal subjects; the Lord Chancellor was a member, and also the Chancellor of the Duchy of Lancaster<sup>25</sup>, and we had no analogous officers here.<sup>26</sup> He did not suppose that the hon. member or any other would propose to bring our judges into political life, which was the custom formerly both in Upper and Lower Canada, and which had been loudly complained of. But it was absolutely necessary to have some leading legal minds in the Cabinet, and who could take the places of the attorneys general?<sup>27</sup> He considered their presence there as very essential. The House might declare that the Attornies General should be mere Law officers, but if they did, the Cabinet would, nevertheless, absolutely require a Law officer for each section of the Province.<sup>28</sup> There was a sort of notion prevalent, he was aware, that there were too many lawyers in the House and Cabinet; all he could say was that it was the people who sent them there, and in objecting to it, they were objecting to the voice of the people. It was the same in the States,<sup>29</sup> which some gentlemen spoke so highly of as models<sup>30</sup>, all the leading public men were lawyers, and it was incident to the state of society; other professions did not provide so many men fitted to take part in public life, and there was no body of individuals in the country so independent in circumstances as to be able to devote their whole time to it as in England. He maintained that under our system of government, we had something else to look for besides the fulfilling the departmental duties of the government. These must be looked to--the influence which parties can bring to the government, and the confidence with which they were regarded by this House and the country. In England it was sometimes thought necessary, in order to strengthen the Government, to introduce persons (sic) who had no departments at all; the present Earl of Carlisle and the Duke of Wellington had been so appointed. The members of the Cabinet under our system, had other duties to perform, besides of those of their departments, and which were equally important.<sup>31</sup> As regarded mere personal advantage, and he hoped he was above such considerations,<sup>32</sup> ((and)) with reference to the charge against him of neglecting the Crown business of the Assizes, to attend to his political duties, it would have served his private interests much better to have gone the Circuit, where the Crown Prosecutor generally got a fair share of private business, than to have stayed in his office at the Seat of Government. The first Administration after the union had placed the Solicitor General even in the Cabinet, in order to strengthen their influence; and the late Administration had found it necessary, for the same reason, to introduce the member for Cornwall, then Solicitor General, to strengthen their hands. It was necessary that it should be in their power to make the Cabinet larger or smaller, as circumstances



required.<sup>33</sup> He believed the present arrangement was as good as could be allotted for the public interest.<sup>34</sup>

MR. H. BOULTON said as to the Hon. Mr. Baldwin's speech, he did not agree with any<sup>35</sup> arguments he had offered.<sup>36</sup> He considered that the Government had deprived themselves of an opportunity of twining around their brows one of the brightest laurels on this subject of retrenchment, by their proposal to appoint a committee to inquire into the expenditure of the country, which he considered was not the proper course of proceeding.<sup>37</sup> ((He)) was opposed to the postponement that had been proposed. But it was the same kind of opposition which he experienced on introducing a Bill relative to the expenditure of the funds of the Province, and which he had not been permitted to read. He would compel the administration of the day to come down and<sup>38</sup> propose some definite plan,<sup>39</sup> say what monies were required, and for what purposes; he would make it contrary to law to confer fee or emolument without the sanction of that House; the Cabinet must then come down with their table of expenditures, and it would be for the House to sustain it or not, and salaries would not then be given to speculators or persons who were not efficient.<sup>40</sup> He opposed the idea of having two Attorneys-General in the Cabinet. He thought one was quite sufficient; nor was there any difficulty in an Upper Canadian Lawyer giving a sound opinion on matters pertaining to Lower Canada. On the subject of retrenchment, the hon. gentleman argued that every salary paid by Government, both to the heads of Government and to their clerks, should be fixed by law<sup>41</sup>, as ... was the custom in the States. It would be quite easy to do this and the system was found to work well in the States.<sup>42</sup> With regard to the hon. Inspector General's remarks as to a parsimonious scale of remuneration to public officers, and he was as much opposed to parsimony as the Inspector General, but there was a great difference between parsimony and economy. The hon. gentleman contended that the argument that the two Attorneys General ought to be members of the Cabinet, because the Cabinet required the assistance of minds which had had a legal training, was totally valueless, inasmuch as the Secretary of the Council might always be a Lawyer<sup>43</sup>. ((Another)) reason was, that if they had no seats in the Cabinet they might insist upon being made judges, after long service.<sup>44</sup> Indeed he had no objection to a Cabinet of Lawyers, but<sup>45</sup> he considered a seat in it incompatible with the duties the Attorney General had to perform<sup>46</sup>, who, from his position at the bar, was entitled to the first situation in the country next to the Governor General; and who would necessarily have to devote his attention to political instead of professional studies.<sup>47</sup> He disagreed altogether with the ideas of the Attorney General as to the formation of a Cabinet. His opinions were well known, that the Cabinet was too numerous. He thought three in the House of Assembly, and two in the Council, quite sufficient. Five Cabinet Ministers were enough for the country. He had before expressed this opinion to the Administration; he did so last year, and he believed that their first cause of quarrel with him was occasioned by his opinions on this subject, and his fearless expression of them. Six members composed the Cabinet of the United States; surely five was sufficient for the Province of Canada.<sup>48</sup> The leader of the party in power should also be the Secretary of the Province. That was the case under Lord Sydenham. At the same time, he said, he admitted that there must be lawyers in the administration, as their profession necessarily made them better fitted for public business.<sup>49</sup> He would lay it down that hardly a man had attained eminence on this continent that was not a lawyer.<sup>50</sup> But as for the Attorney General, he should have to go on the circuits; it was due to the lives and rights of the subject, that the first law officer of the crown should be in attendance. He protested against any remarks he might make, being considered as of a personal nature, but it was monstrous to see the ... Attorney General<sup>51</sup> paid large sums for assize business when their duties were performed by young and inexperienced men, and lives and property jeopardized.<sup>52</sup> He had carefully examined the Lower Canada papers, and found that the Attorney General never attended<sup>53</sup> in the Court of Lower Canada.<sup>54</sup>

MR. BADGLEY said he was there in 1847, and that the Sol. General since that

period did the crown business.<sup>55</sup>

MR. BOULTON had seen the name of Mr. Driscoll or Mr. Buchanan in the newspapers as conducting the crown business.<sup>56</sup>

MR. BADGLEY said that the Solicitor General had attended to it.<sup>57</sup>

MR. BOULTON continued: The Solicitor General was frequently there, yet such was not the case in other parts of the Province.<sup>58</sup>

MR. INSP. GEN. HINCKS asked if it were unusual to get the aid of Queen's Counsel.<sup>59</sup>

MR. BOULTON continued: He (Mr. B.) had been Attorney-General for thirty-five years, during which he conducted the business himself, without taking the advice of any one, and never lost a case for want of proper attention. As to the citing of English precedents, it was absurd to suppose that the Chancellor, in England, sits in court, and discharges judicial functions<sup>60</sup>. He denied that the Chancellor in England must necessarily be a lawyer, or the Chancellor of the Duchy of Lancaster; and he who asserted the reverse knew nothing about the matter.<sup>61</sup> Three ministers would be quite sufficient to sit in the House.<sup>62</sup>

MR. SOL. GEN. DRUMMOND taunted Mr. Boulton with having been desirous of forming the 13th member of a Cabinet composed of 12<sup>63</sup> ((and)) ... ((he)) would be satisfied with the system of government if he were made the thirteenth member of the cabinet.<sup>64</sup> He thanked his hon. friend from Missisquoi for having defended him from the slander of the hon. member during his (Mr. D.) absence from the house. His hon. friend from Missisquoi was one of those opponents he liked to meet, for he had always found him generous and honorable. He contended that the state of our society was different from that of England; and<sup>65</sup> in the constitution of a Cabinet in the Colonies it was not possible to apply the rules and practice which prevail in England, where educated men study law and statesmanship as a science; whereas in this country the only standard for legislation is law. If the Attorney General were taken from the Cabinet, other professional men must be introduced, and if another lawyer were added must he not have an office? The leading statesmen in the United States, he said, were lawyers; there, it was true, the education of persons of influence and ability included the study of the law, but still lawyers would become leaders.<sup>66</sup> So long as law officers did their duty, he did not see what objection there could be to their having seats in the house.<sup>67</sup> He (Mr. D.) could scarcely believe the object of the learned member for Gaspé, in introducing the resolutions before the House, was the prosecution of the public good, the discussion of which would occupy much of their time which should be directed to the consideration of various measures of great and immediate importance. During Lord Metcalfe's time no such proposition was made; then the friends of the learned member were in power, but since those friends had gone out of office every objection was urged to a form of Government to which there was then no objection.<sup>68</sup> ((He)) designated Mr. Christie, ... as "the most astounding specimen of inconsistency in a buff waistcoat ever exhibited to the admiring gaze of any multitude."<sup>69</sup> If attacks were to be made on the Administration, let it be after those important measures that call for immediate consideration were attended to; but he thought the hon. gentleman could be better employed than in constitution making, which might well be left to the older countries in Europe--and even the attempts recently made by them had not been very successful.<sup>70</sup>

MR. CHRISTIE said he had introduced the resolutions of '43, without the knowledge of the Government; and with reference to a want of consistency, which had been attributed to him by the hon. member who had just sat down, he would say that he had always endeavoured to promote the best interests of the Province, and should persevere in doing so.<sup>71</sup>

MR. H. SHERWOOD rose, not to discuss the question before the House, but to make<sup>72</sup> a proposition which he thought<sup>73</sup> might be acceptable to the hon. mover and to the administration.<sup>74</sup> He believed the hon. member for Gaspé was actuated by a sincere



desire to discharge a public duty, and thought that the principles contained in his resolutions would prove beneficial to the country. He (Mr. S.) had read the resolutions with much care, and found they contained propositions of the greatest magnitude,<sup>75</sup> and ((were)) deserving of great consideration; and neither to be lightly adopted or hastily rejected.<sup>76</sup> He then alluded to<sup>77</sup> the first resolution on retrenchment<sup>78</sup>, the proposal to reduce the legislative and civil expenses of Government. This proposition would require considerable time; he was disposed, however,<sup>79</sup> to go to as great lengths as any man in the House; and he thought the House would unanimously go with him.<sup>80</sup> Was any member, he would ask, prepared to go on with a useless expenditure? The next resolution went to abolish all fees of office;<sup>81</sup> and salaries fixed,<sup>82</sup> this had been found to answer<sup>83</sup> very well<sup>84</sup> so far as it had been tried, and might be carried out to a further extent; but he was not prepared at that<sup>85</sup> early period of the session<sup>86</sup> to record his vote on the subject.<sup>87</sup> He would not say if he would afterwards support it or not.<sup>88</sup> The salary of the Governor it was proposed to have paid out of the Imperial Treasury. When the question was brought under the consideration of the House before he was opposed to it; but he had recently understood that the Governor of<sup>89</sup> South<sup>90</sup> Australia is to be paid by the Imperial Government; he did not, therefore, look upon the question in the same light as formerly. If the Governor of this Province was paid in England, he thought it would reconcile the people to the alteration of the laws respecting trade. As to the Attorney General not being a member of the Cabinet, but that he should attend merely to his departmental duties<sup>91</sup> he could scarcely say that he was in favour of ... ((it)) but that also was a subject requiring consideration.<sup>92</sup> He would only say that, when he was in the Government, he would have considered it a monstrous proposition.<sup>93</sup> The fifth resolution, that it is expedient to introduce the elective principle into the Legislative Council, and generally into the appointments to office, was one in which, as far as the Legislative Council was concerned, he was inclined to concur<sup>94</sup>. He had before expressed himself in favor of that<sup>95</sup> and should, when the time came, vote for the proposition, unless he heard some very powerful arguments against it. The suggestion he rose to make<sup>96</sup> to the learned member for Gaspé<sup>97</sup> was<sup>98</sup> to modify his resolution<sup>99</sup>. The House should confine itself to voting the first resolution, with the addition of the words,<sup>100</sup> with reference to retrenchment, "so far as is consistent with the exigencies of the public service," and let it stop there; and his learned friend might then postpone the other resolutions till after the report of the Committee<sup>101</sup> proposed by the Government<sup>102</sup> should have been made.<sup>103</sup>

MR. CHRISTIE had no objection to postpone the consideration of the matter.<sup>104</sup>

MR. INSP. GEN. HINCKS rose to express his astonishment at the course pursued by hon. gentlemen on the opposite side of the House<sup>105</sup> ((and)) regretted that he had had occasion in more than one instance to condemn the line of proceeding, followed by ((them)).<sup>106</sup> But he would ask the learned member for Gaspé if any leading member of Parliament would pursue the same course as he had done? He (Mr. H.) was prepared to show that all the great economical reforms in England<sup>107</sup> for the last 50 years,<sup>108</sup> were produced by committees, and would adduce precedents on the subject. If the member for Gaspé were sincere he would wait till he heard what were the intentions of the Government, particularly as he (Mr. H.) had given notice that on Friday--the earliest period that would be proper--he would be prepared to bring the subject up. If the House should be in favor of the appointment of a committee, which, if it were not carried, would be expressive of a want of confidence, a committee would be agreed to; he might then watch the subsequent proceedings.<sup>109</sup> If found satisfactory ((he)) would lend every assistance to carry out these reforms.<sup>110</sup>

MR. CHRISTIE objected to the manner of the Hon. Inspector General as offensive and out of order.<sup>111</sup>

MR. MORIN the SPEAKER was not aware of the hon. member being out of order.<sup>112</sup>

MR. INSP. GEN. HINCKS continued:<sup>113</sup> He (Mr. H.) found that in the House of Commons, whenever measures of reform were proposed by Ministers, the appointment of



a committee was hailed with delight by such members as Mr. Hume and Mr. Cobden, and instead of embarrassing the Government they cheerfully lent their assistance till the desired reforms were effected. But here an entire evening was lost in discussing a measure without knowing what the Government meant to propose on the subject.<sup>114</sup> With reference to the hon. member for Norfolk's remarks on the subject of expending monies without first obtaining consent of Parliament.<sup>115</sup> From what the learned member ... had advanced, it would seem that the keeping of the accounts of the Province is involved in great mystery, and that a systematic plan was in operation for expending money without the authority of law. He was sorry the estimates were not laid earlier before the House, but it would be found that the particulars of any expenditure was recorded with as much minuteness as it is in the United States; and that instances where public monies were paid without the authority of law, were very rare. The other evening the learned member alluded to the hiring of Monklands; and he (Mr. H.) did not consider him as very happy in his selection, for the entire transaction was based upon an address of the House. He would concur with the hon. gentleman, that the expenditure was not judicious, and was afterwards made the subject of Parliamentary enquiry. The Administration were as much opposed to the expenditure of money, without Parliamentary sanction, as the learned member for Norfolk, or any other gentleman in that House could possibly be, and in every instance refused<sup>116</sup> to run any risk, as to the sanction of Parliament being obtained<sup>117</sup>, except where a public inquiry could be sustained by so doing.<sup>118</sup> After the decided language in which that part of the address which related to the subject of Retrenchment was couched, it would be ridiculous to adopt the resolution proposed by the hon. member for Gaspé.<sup>119</sup> He (Mr. H.) agreed with what fell from the learned member for Toronto, although he did not arrive at the same conclusion; as he considered the House was as far pledged as it well could be on the subject of retrenchment, until informed as to the measures which the Government intended to propose. The next branch of the subject embraced by the resolutions, was<sup>120</sup> the hon. gentleman's proposition to pay the Governor General's salary out of the Imperial chest<sup>121</sup>. He should not discuss that question then particularly as it had been stated that the salary of the Governor of Australia was defrayed from the Imperial Treasury. He (Mr. H.) was under the impression, however, that on enquiry it would be found, that this new arrangement had been made, in consequence of the determination recently arrived at by Her Majesty's Government<sup>122</sup>, especially the Economists,<sup>123</sup> that in future it would not pay any expense that might be incurred in providing for the defence of that colony.<sup>124</sup> That colony would be called upon to defray expenses of a kind which Canada was not.<sup>125</sup> And having come to that determination, it might have resolved to pay the salary of the Governor. There had been a strong pressure in England as to the propriety of paying for the defence of any other colony; and it had been asked with great plausibility, why the poor people of England should be taxed to pay for the defence of a colony, when its inhabitants can afford to pay better that (sic) they? The Statesmen of England, however, were not disposed to agree to this pressure; and therefore he did not think it a wise course to go to England, who has to maintain a large force here, and say we want the people of England also to pay the salary of the Governor. The Resolution with reference to the Attorneys General, had been sufficiently discussed already; but it was generally admitted that<sup>126</sup> it ((was)) absolutely necessary that leading members of the Cabinet should be members of the legal profession<sup>127</sup>, or it could not well exercise the functions that belong to it.<sup>128</sup> He had never joined in that contemptible clap-trap cry, so frequently got up against lawyers. If it were made necessary that legal gentlemen should abandon their profession in order to take any part in the deliberations of the Cabinet, or in any way lend their influence in politics, they would refuse to do so.--None of them who possessed any ability would ever forsake their profession, least (sic) they should lose their chance of promotion to the Bench. For instance, Mr. Justice Sullivan would not accept the office of Provincial Secretary, except upon the distinct understanding, that the acceptance of such office should not be a bar to his elevation to the Bench.<sup>129</sup> The learned member for Nor-

folk had said that the Attorney-General had a just claim to the situation at the head of the Bench, and therefore should not hold a seat in the Cabinet--the effect of which would be to exclude perhaps the most eminent member of the profession, who could not assume any part in the Government, without abandoning the fair honours of his profession. Gentlemen seemed to think that when a lawyer was engaged in political life, he surrendered every pretension to promotion in the line of his profession. In the United States, the President is elected for a term of years, and selects his Cabinet without reference to the opinion of Congress. Here, on the contrary, the Administration must command the confidence of the people as expressed by the Assembly. It had been said in debate that the Cabinet should not consist of more than five or six members. If the two Attorneys General therefore were withdrawn, the remaining number would be that which they required. The hon. gentleman here explained what took place with reference to the Resolutions formerly introduced by the learned member for Gaspé, to which that gentleman had referred, and said that he (Mr. H.) voted on that occasion, and seconded some of his resolutions, he believed.<sup>130</sup> With reference to the hon. member for Norfolk's intended resolution, for an Elective Legislative Council, he would say distinctly<sup>131</sup>, as he had said formerly,<sup>132</sup> that he was by no means opposed to the introduction of the elective principle into the Council; but he should like to become acquainted with the mode by which the hon. gentleman, who urged that principle, proposed to carry it out. Hon. gentlemen should recollect that there were two parties crying aloud for Elective Institutions, the one anxious by this means to secure the Conservative interest in the Council, and the other wishing to infuse a large portion of the democratic principle.<sup>133</sup> How were they to agree as to any object?<sup>134</sup> It was absurd to suppose that these two parties could work together or obtain their ends by the same means.<sup>135</sup> It would therefore be impossible for him to vote for the principle, unless he knew how it is to be carried out.<sup>136</sup> He should be happy to discuss the question of an Elective Council when the proper time came, but was decidedly opposed to the extension of the principle to officers of state.<sup>137</sup>

COL. PRINCE censured Mr. Hincks for showing too much warmth. He did not think it becoming a minister of the Crown. He should like to enquire when the hon. Attorney West or East did their duties as Attorneys General in the Courts? He should be satisfied with an answer to that question. He asserted that it was not necessary that the Chancellor of the Duchy of Lancaster should be a lawyer. He asked how it was that Lord Campbell got there? Why, because he was a needy Scotch lord, and like other needy Scotch lords, he had booted, and booted, and booted himself into place. The hon. Inspector General had held out a sort of threat that England would give us up if we did not behave ourselves. He asserted that he would much rather that we should have nothing to do with England. He wished we had done with her; and he would hold that opinion to the day of his death. He had before in Lower Canada expressed himself in favour of the withdrawing of the troops from the country; and he wished they were now all withdrawn. With respect to the payment of the Governor General he agreed that his salary should be paid by England. If she were desirous of sending us out a King Log, why, in heaven's name let her pay for him. He thought that we could select as good a one ourselves as any that he had ever seen sent out to us. We had Governors General sent out to us from England who might live in Elmsley Villa or elsewhere and who knew no more about our affairs than did the "King of the Cannibal Islands," and who got about as good information. He did say that he expected the ministry would make some effort at retrenchment, as their tenure of office depended upon it, and he must give them credit for a little astuteness, a little cunning, and a little corruption.<sup>138</sup>

MR. ROBINSON said a few words which were not audible in the reporters' box.<sup>139</sup>

MR. PAPINEAU thought they should pass the hon. member for Gaspé's resolutions as an instruction to the Inspector General's committee. He thought the hon. member for Gaspé had well exposed the reckless expenditure of the Government, and that he might have added many more statements to show its utter recklessness. He did not



think that we should pay for a Governor who was none of our seeking, over whom we had no controul, and who knew nothing at all about our affairs. We had not in Canada the right of free discussion. We had seen that interfered with by the ministry, which had let their damned passions get the better of their judgment. They had sought for blood last winter in their rage as we had seen from the language of one of them in the House last session. He condemned strongly the appointment by a liberal ministry of a judge (Mr. Justice Sullivan) who had obtained the execution of an innocent man in opposition to a petition signed by 30,000 persons.<sup>140</sup>

MR. SOL. GEN. DRUMMOND rose to order. He did not think the hon. member's allusions were in order.<sup>141</sup>

MR. MORIN the SPEAKER said the honble. gentleman's remarks were rather remote.<sup>142</sup>

MR. PAPINEAU thought the young gentleman--the hon. member did not understand the matter; he contended that he was in order. Here the hon. member proceeded to argue at length that the Attorneys General should not have seats in the cabinet. The effect of it was that we saw them writing letters to secure the return of a Commissioner instead of attending to their duties. We saw that instead of doing their duties they were meddling in politics and rewarding servility. We saw the ministry professing to be in favor of responsible government and not carrying it out, as it had been carried out under Lord Metcalfe. In the States the executive, the legislative, and the judicial powers were separate as they should be. He had seen the family compact and the present ministry, and he must say he preferred the former, as being less tyrannical, and more intelligent. He thought the present ministry were the best men in the world to maintain in office to obtain the breaking up of the present system; and the fact of their being in office, with the present Governor for their slave, he considered a more portentous sign for the dominion of England in this country, than was the emptying of the tea chests in Boston harbour. The hon. member for Gaspé might perhaps grant them the indulgence of waiting until the report of the committee should be presented. We had seen the ministry take office on the pledge of retrenchment,--they had been in office three years, and they had only increased the expenditure.<sup>143</sup>

MR. ROSS condemned the hon. member who had spoken last for taking up the time of the house by making long speeches that had nothing whatever to do with the questions before the house. And he condemned the hon. member for Gaspé for raising a discussion of the nature of that which had taken place that evening at all. He would not vote for any general resolutions in favor of retrenchment, but he would vote for the report of the committee to be appointed, and he would support any retrenchment that should be consistent with the efficiency of the public service. The house had lately voted an address of confidence to the government, and it was not going to forget it in two or three days after. The hon. member proceeded to speak in answer to the remarks of Mr. Papineau.<sup>144</sup>

MR. CAUCHON denied the assertions of Mr. Papineau made on a previous occasion, that he (Mr. C.) was employed in a government office connected with the Trinity House.<sup>145</sup>

MR. PAPINEAU said it was stated in the papers.<sup>146</sup>

MR. GUGY considered Mr. Papineau the impersonation of demagogueism, which was a most destructive element. He dilated on the hon. members with great power of language; but took occasion to express his dissent from, and his execration of, his principles. It was quite easy to find fault, but he should like to see the hon. member from St. Maurice make any real improvement on our present system. He objected to the removal of the Attorneys General from the Cabinet; and he was opposed to the application of the elective principle to the Legislative Council.<sup>147</sup>

SIR A. MACNAB listened with a great deal of attention to the remarks of the hon. member for St. Maurice. He observed that Mr. Gagy when he attempted or wanted to make the ministry laugh, that he attacked the hon. member for Norfolk and the



hon. member for St. Maurice. He (Sir Allan) hoped the gentleman's efforts would be appreciated. He (Sir Allan) could tell the hon. member that the hon. gentleman from Norfolk was possessed of great accomplishments (sic),<sup>148</sup> stood as high for learning and gentlemanly conduct as any one in Upper Canada, and was not likely to<sup>149</sup> suffer on comparison with the ministry or the hon. and gallant colonel himself.<sup>150</sup> He wanted to know what distinction the hon. member for Sherbrooke made in the Assembly of Lower Canada, between Mr. Lafontaine and Mr. Papineau.<sup>151</sup> If the hon. and gallant colonel attacked the hon. member for St. Maurice so bitterly, why did he support the hon. Attorney General East; they were both the same kind of men<sup>152</sup>, ... attacking the hon. member for St. Maurice, now that he stood perfectly alone in the House, and so unjustly imputing to him such destructive motives as those. The hon. member was now in the minority, and so it suited some persons to say continually-- "Oh, that's Papineau who made the rebellion." If he did make the rebellion who helped him? He had no objection to vote for the resolution, and none to vote against the resolution. He would treat it as Myneer Van Trunk was treated after the capture of New York.<sup>153</sup> They had been kept until past two last night, and ministers themselves had occupied eleven and a half hours of the time.<sup>154</sup> Mr. Richards thought the present affection between the hon. member for Sherbrooke and the ministry was no more extraordinary than that between the gallant knight and the hon. member for Norfolk. The gallant knight might admire the speeches either of the hon. member for St. Maurice, or of the hon. member for Norfolk; it was a matter of taste; but all three gentlemen only treated the House to a rehash of the same speeches, as the House had often heard before. It was like a cold gander, which was served up for a whole week to a yankee schoolmaster who boarded out. He confessed he liked to hear a man, who had something on his stomach, make a clean breast of it; but the hon. member for St. Maurice, when he pulled out his tongs, did go a little far with them. According to his ideas, the men on his (Mr. Richards) side of the House, were but cannibals, desirous of eating gentlemen opposite. All he blamed the hon. gentleman for was, that he did not make a great business of it at once, get done, and not rehash the cold gander. The accusations made against the hon. gentlemen on the Treasury Benches were of a character, which prevented him from respecting the men who made them. The hon. Attorney General (East) was celebrated for his liberality; who ever heard anything of the sort of the hon. member for St. Maurice? Yet it was the latter who accused the former of mercenary motives. He ridiculed the idea of ministers having disgusted the country, because, if they had, they would be no longer on those benches. He also treated with contempt the allegation that the Attorney General (East) could not conduct a criminal prosecution, and passed a high eulogium for ability and learning on the Governor General. He did not think the Governor General was a nonentity; men of practical abilities never sank into nonentities, it was only those who wasted their talents in mere theories who did so. Comparing the situations of the two countries, he contended that Canada was progressing more rapidly than the United States. Compare Rochester, without gas or water, to Toronto--Kingston to Oswego--Brockville to Ogdensburg. We had heard the hon. member for St. Maurice speak of the Governor General, as the slave of the Ministry, and compare him to the Craigs, Dalhousies, &c. Well, this reminded him of a story of a reporter in the Lower House of Lower Canada, who ceased reporting when the hon. member was speaking, because, he said, the old speech reheaded and retailed, would do just as well as if he took the trouble to rewrite it again. The hon. member for St. Maurice had a natural affection for the tories of Upper Canada, for they gave him his £4,500.<sup>155</sup>

MR. CHRISTIE made an addition to his resolutions to the effect, that the retrenchment made be not such as to impair the efficiency of the public service.<sup>156</sup>

(30)

*On motion of the Honorable Mr. Attorney General Baldwin, seconded by the Honorable Mr. Merritt,*

*Ordered, That the further consideration of the said Question be postponed till the*

first Monday in July next. 157

On motion of the Honorable Mr. Attorney General Baldwin, seconded by Mr. Richards,

Standing  
Committees.

Ordered, That the Order of the day for taking into consideration the Report of the Select Committee appointed to prepare and report Lists of Members to compose the

seven Standing Committees ordered by the House, be now read.

And the same being read;

Resolved, That this House doth concur with the Committee in the said Report.

Orders  
deferred.

Ordered, That the remaining Orders of the day be postponed until to-morrow.

Then, on motion of Mr. Malloch, seconded by the Honorable Mr. Hincks,  
The House adjourned.

((NOTICE OF RESOLUTIONS RE: CLERGY RESERVES.))<sup>158</sup>

MR. COM. CR. LANDS PRICE gave notice that on Tuesday, June 11, he would submit for the consideration of the House a series of resolutions on the subject of the Clergy Reserves.<sup>159</sup>

((NOTICE OF MOTION RE: COMMITTEE OF WHOLE ON IMPROVING ANIMAL HUSBANDRY BY RAILROAD BUILDING.))

MR. W. BOULTON of Toronto intended to move in a committee of the whole House on 30th ulto., that it is the duty of the Government to encourage the art of husbandry--that ready access to markets is a means--that the contemplated Great Western Railroad would insure ready access to the markets of London, Hamilton, Toronto, Kingston and Montreal--that such Railroad should be a Provincial undertaking; and that the imposition of a direct tax on the people to enable the consolidated revenue to meet the outlay would be cheerfully submitted to by all classes.<sup>160</sup>

((NOTICE OF ADDRESS RE: ESTABLISHMENT OF AN ELECTIVE COUNCIL.))<sup>161</sup>

MR. H. BOULTON (Norfolk), will, on Monday next, move an Address to the Queen, praying that an Act may be passed for the establishment of an Elective Legislative Council.<sup>162</sup>

((NOTICE OF ADDRESS RE: DESPATCHES ON INDEMNITY ACT.))<sup>163</sup>

SIR A. MACNAB gave notice of<sup>164</sup> an Address to His Excellency, for copies of certain Despatches on the subject of the Indemnity Bill.<sup>165</sup>

((NOTICE OF ADDRESS RE: RETURNS OF STATIONERY USED IN PUBLIC DEPARTMENTS.))

MR. W. BOULTON (of Toronto,) gave notice of motion for an Address to His Excellency, for a Return relative to the Stationery used in the Public Departments, for the year ending, 31 Dec. 1840.<sup>166</sup>

((NOTICE OF ADDRESS RE: RETURN ON PORT OF TORONTO HARBOR DUES.))

MR. W. BOULTON (of Toronto,) ((gave notice)) of an Address to His Excellency, for a Return relating to the Harbor Dues at the Port of Toronto, for 1849.<sup>167</sup>

((NOTICE OF ADDRESS RE: CORRESPONDENCE ON EDUCATION.))

MR. M. CAMERON (of Kent,) ((gave notice)) of and (sic) address to His Excellency, for copies of certain correspondence relating to Education.<sup>168</sup>

((NOTICE OF MOTION RE: RECIPROCITY BILL BETWEEN BRITISH AND AMERICAN PROVINCES.))<sup>169</sup>

MR. INSP. GEN. HINCKS gave notice that he would, to-morrow, introduce a motion for leave to bring in a bill for establishing<sup>170</sup> Reciprocal Free Trade between this Province and the other British Provinces in British North America.<sup>171</sup>

((NOTICE OF MOTION RE: BILL TO REGULATE FEES OF UPPER CANADA'S JUSTICES OF THE PEACE.))

MR. NOTMAN, will, on Monday next, move for leave to introduce a bill to regulate fees to be taken by Justices of the Peace for Upper Canada.<sup>172</sup>



((NOTICE OF MOTION RE: BILL TO AMEND UPPER CANADA CENSUS ACT.))

MR. NOTMAN, will, on Monday next, move for leave to bring in a Bill to amend the Upper Canada Census Act.<sup>173</sup>

((NOTICE OF MOTION RE: BILL TO ABOLISH IMPRISONMENT FOR DEBT.))

MR. BOULTON gave notice of his intention to introduce a Bill to abolish Imprisonment for Debt.<sup>174</sup>

((NOTICE OF MOTION RE: BILL RELATING TO WARRANTS.))

MR. BOULTON gave notice of a Bill relating to Warrants.<sup>175</sup>

((NOTICE OF MOTION RE: BILL FOR PUBLIC PRINTING.))

MR. W. BOULTON (of Toronto) ((gave notice)) of a Bill to provide for the Public Printing.<sup>176</sup>

((NOTICE OF MOTION RE: BILL FOR ANNUAL REPORTS FROM PUBLIC DEPARTMENT HEADS.))

MR. W. BOULTON (of Toronto,) ((gave notice)) of a Bill to provide for Annual Reports from the Heads of Public Departments.<sup>177</sup>

((NOTICE OF MOTION RE: BILL CONCERNING MONTREAL REGISTRY ACT.))

MR. AT. GEN. LAFONTAINE ((gave notice)) of a Bill to extend the period, limited for certain purposes, in the Montreal Registry Act.<sup>178</sup>

((NOTICE OF MOTION RE: BILL CONCERNING OFFICERS OF JUSTICE IN LOWER CANADA.))

MR. AT. GEN. LAFONTAINE, ((gave notice)) of a Bill to grant fixed and annual salaries to certan (sic) officers of Justice in Lower Canada, and to create a special fund of the fees and emoluments attached to their offices.<sup>179</sup>

((NOTICE OF MOTION RE: BILL ON ASSESSMENT IN UPPER CANADA.))

MR. INSP. GEN. HINCKS ((gave notice)) of a Bill to establish a more just system of Assessment in Upper Canada.<sup>180</sup>

((NOTICE OF MOTION RE: BILL CONCERNING COMMON SCHOOLS IN UPPER CANADA.))

MR. INSP. GEN. HINCKS ((gave notice)) of a Bill for the better establishment and maintenance of Common Schools in Upper Canada.<sup>181</sup>

((NOTICE OF MOTION RE: BILL CONCERNING VALUE OF FOREIGN COINS.))

MR. INSP. GEN. HINCKS ((gave notice)) of a Bill to alter the current value of certain Foreign Coin.<sup>182</sup>

((NOTICE OF MOTION RE: BILL CONCERNING PROVINCIAL POST OFFICES.))

MR. INSP. GEN. HINCKS ((gave notice)) of a Bill for the transfer of the Post Office, and for the regulation and management of the Provincial Post Office.<sup>183</sup>

((NOTICE OF MOTION RE: BILL CONCERNING FORMATION OF PUBLIC WORKS COMPANIES.))

MR. INSP. GEN. HINCKS ((gave notice)) of a Bill to extend the Act for the formation of Companies for constructing Roads and other works in Companies formed for the purpose of acquiring Public Works of a like nature.<sup>184</sup>

((NOTICE OF QUESTION RE: PUBLIC EXPENDITURE.))

MR. INSP. GEN. HINCKS gave notice of a resolution to make inquiry into the public expenditure.<sup>185</sup>

FOOTNOTES: 28 MAY 1850.

1. The following papers reported the debate on this matter in identical accounts: NORTH AMERICAN, 31 May 1850, and EXAMINER, 5 June 1850. The following papers reported the debate in partially identical accounts: PILOT, 4 June 1850, ST. CATHARINES JOURNAL, 6 June 1850, BATHURST COURIER, 7 June 1850, and PACKET, 8 June 1850. The debate was also reported by: BRITISH COLONIST, 31 May 1850; MONTREAL GAZETTE, 1 June 1850; and MORNING CHRONICLE, 3 June 1850. MONTREAL TRANSCRIPT, 4 June 1850, noted the debate; LA MINERVE, 3 June 1850, and JOURNAL DE QUEBEC, 13 June 1850, noted the debate in identical accounts. Commentaries appeared in BRITISH COLONIST, 31 May 1850, MONTREAL TRANSCRIPT, 4 June 1850, copied from BRITISH COLONIST; and PILOT, 1 June 1850. The HAMILTON SPECTATOR, 1 June 1850, commented that "the debate was quite uninteresting."
2. MONTREAL GAZETTE, 1 June 1850.
3. MORNING CHRONICLE, 3 June 1850.
4. MONTREAL GAZETTE, 1 June 1850.
5. EXAMINER, 5 June 1850.
6. MONTREAL GAZETTE, 1 June 1850.
7. BRITISH COLONIST, 31 May 1850.
8. MONTREAL GAZETTE, 1 June 1850.
9. MORNING CHRONICLE, 3 June 1850.
10. EXAMINER, 5 June 1850.
11. IBID.
12. MONTREAL GAZETTE, 1 June 1850.
13. EXAMINER, 5 June 1850.
14. PILOT, 4 June 1850.
15. EXAMINER, 5 June 1850.
16. BRITISH COLONIST, 31 May 1850.
17. PILOT, 4 June 1850.
18. MONTREAL GAZETTE, 1 June 1850.
19. PILOT, 4 June 1850.
20. MONTREAL GAZETTE, 1 June 1850.
21. EXAMINER, 5 June 1850.
22. MONTREAL GAZETTE, 1 June 1850.
23. PILOT, 4 June 1850.
24. BRITISH COLONIST, 31 May 1850.
25. PILOT, 4 June 1850.
26. MONTREAL GAZETTE, 1 June 1850.
27. PILOT, 4 June 1850.
28. BRITISH COLONIST, 31 May 1850.
29. PILOT, 4 June 1850.
30. MONTREAL GAZETTE, 1 June 1850.
31. PILOT, 4 June 1850.
32. EXAMINER, 5 June 1850.
33. PILOT, 4 June 1850.
34. MONTREAL GAZETTE, 1 June 1850.
35. BRITISH COLONIST, 31 May 1850.
36. EXAMINER, 5 June 1850.
37. BRITISH COLONIST, 31 May 1850.
38. PILOT, 4 June 1850.
39. BRITISH COLONIST, 31 May 1850.
40. PILOT, 4 June 1850.
41. BRITISH COLONIST, 31 May 1850.
42. MONTREAL GAZETTE, 1 June 1850.
43. BRITISH COLONIST, 31 May 1850.
44. MONTREAL GAZETTE, 1 June 1850.
45. BRITISH COLONIST, 31 May 1850.



46. MONTREAL GAZETTE, 1 June 1850.
47. PILOT, 4 June 1850.
48. BRITISH COLONIST, 31 May 1850.
49. PILOT, 4 June 1850.
50. EXAMINER, 5 June 1850.
51. PILOT, 4 June 1850.
52. MONTREAL GAZETTE, 1 June 1850.
53. PILOT, 4 June 1850.
54. MONTREAL GAZETTE, 1 June 1850.
55. IBID.
56. IBID.
57. IBID.
58. PILOT, 4 June 1850.
59. MONTREAL GAZETTE, 1 June 1850.
60. EXAMINER, 5 June 1850.
61. MONTREAL GAZETTE, 1 June 1850.
62. EXAMINER, 5 June 1850.
63. MONTREAL GAZETTE, 1 June 1850.
64. EXAMINER, 5 June 1850.
65. MONTREAL GAZETTE, 1 June 1850.
66. PILOT, 4 June 1850.
67. MONTREAL GAZETTE, 1 June 1850.
68. PILOT, 4 June 1850.
69. BRITISH COLONIST, 31 May 1850.
70. PILOT, 4 June 1850.
71. IBID.
72. BRITISH COLONIST, 31 May 1850.
73. PILOT, 4 June 1850.
74. BRITISH COLONIST, 31 May 1850.
75. PILOT, 4 June 1850.
76. BRITISH COLONIST, 31 May 1850.
77. PILOT, 4 June 1850.
78. MONTREAL GAZETTE, 1 June 1850.
79. PILOT, 4 June 1850.
80. BRITISH COLONIST, 31 May 1850.
81. PILOT, 4 June 1850.
82. BRITISH COLONIST, 31 May 1850.
83. PILOT, 4 June 1850.
84. MONTREAL GAZETTE, 1 June 1850.
85. PILOT, 4 June 1850.
86. MONTREAL GAZETTE, 1 June 1850.
87. PILOT, 4 June 1850.
88. MONTREAL GAZETTE, 1 June 1850.
89. PILOT, 4 June 1850.
90. MONTREAL GAZETTE, 1 June 1850.
91. PILOT, 4 June 1850.
92. BRITISH COLONIST, 31 May 1850.
93. PILOT, 4 June 1850.
94. BRITISH COLONIST, 31 May 1850.
95. MONTREAL GAZETTE, 1 June 1850.
96. BRITISH COLONIST, 31 May 1850.
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106. BRITISH COLONIST, 31 May 1850.
107. PILOT, 4 June 1850.
108. MONTREAL GAZETTE, 1 June 1850.
109. PILOT, 4 June 1850.
110. BRITISH COLONIST, 31 May 1850.
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112. IBID.
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124. PILOT, 4 June 1850.
125. MONTREAL GAZETTE, 1 June 1850.
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127. BRITISH COLONIST, 31 May 1850.
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134. PILOT, 4 June 1850.
135. BRITISH COLONIST, 31 May 1850.
136. PILOT, 4 June 1850.
137. BRITISH COLONIST, 31 May 1850.
138. MONTREAL GAZETTE, 1 June 1850.
139. IBID.
140. IBID.
141. IBID.
142. IBID.
143. IBID.
144. IBID.
145. IBID.
146. IBID.
147. IBID.
148. IBID.
149. PILOT, 4 June 1850.
150. MONTREAL GAZETTE, 1 June 1850.
151. PILOT, 4 June 1850.
152. MONTREAL GAZETTE, 1 June 1850.
153. PILOT, 4 June 1850. The ellipsis represents a missing line.
154. MONTREAL GAZETTE, 1 June 1850.
155. PILOT, 4 June 1850.
156. MONTREAL GAZETTE, 1 June 1850.
157. There was no division, according to PILOT, 4 June 1850.
158. The following papers reported this notice in identical accounts: MORNING CHRONICLE, 3 June 1850, PILOT, 4 June 1850, which misdated it as 25 May 1850, ST. CATHARINES JOURNAL, 6 June 1850, and BATHURST COURIER, 7 June 1850. The

- notice was also reported by: MONTREAL GAZETTE, 1 June 1850; and NORTH AMERICAN, 31 May 1850.
159. PILOT, 4 June 1850.
160. MORNING CHRONICLE, 3 June 1850.
161. The following papers reported this notice in identical accounts: NORTH AMERICAN, 31 May 1850, MORNING CHRONICLE, 3 June 1850, ST. CATHARINES JOURNAL, 6 June 1850, and BATHURST COURIER, 7 June 1850. The notice was also reported by MONTREAL GAZETTE, 1 June 1850.
162. MORNING CHRONICLE, 3 June 1850.
163. The following papers reported this notice in identical accounts: NORTH AMERICAN, 31 May 1850, and MORNING CHRONICLE, 3 June 1850. The notice was also reported by MONTREAL GAZETTE, 1 June 1850.
164. MONTREAL GAZETTE, 1 June 1850.
165. MORNING CHRONICLE, 3 June 1850.
166. IBID.
167. IBID.
168. IBID.
169. The following papers reported this notice in identical accounts: NORTH AMERICAN, 31 May 1850, MORNING CHRONICLE, 3 June 1850, and ST. CATHARINES JOURNAL, 6 June 1850. The notice was also reported by MONTREAL GAZETTE, 1 June 1850.
170. MONTREAL GAZETTE, 1 June 1850.
171. MORNING CHRONICLE, 3 June 1850.
172. IBID.
173. IBID.
174. IBID.
175. IBID.
176. IBID.
177. IBID.
178. IBID.
179. IBID.
180. IBID.
181. IBID.
182. IBID.
183. IBID. This was also reported in BRITISH COLONIST, 31 May 1850.
184. MORNING CHRONICLE, 3 June 1850.
185. MONTREAL GAZETTE, 1 June 1850.



(30)

Mr. J.S. Macdonald takes his seat.

JOHN SANFIELD MACDONALD, Esquire, Member for the County of Glengary, having previously taken the oath according to law, and subscribed before the Commissioners the Roll containing the same, took his seat in the House.

Petitions brought up.

The following Petitions were severally brought up, and laid on the table:--

By Mr. DeWitt,--The Petition of François Leboeuf and others, of the Parish of St. Timothée de Beauharnois.

By the Honorable Mr. Robinson,--The Petition of Lionel Ridout and others, of the Town of London.

By Mr. Fortier,--The Petition of the Reverend Louis F. Fortier and others, members of the Temperance Society of the Parish of St. Jean Baptiste de Nicolet.

By the Honorable Mr. Cameron of Kent,--The Petition of Edward Whitney and others, of the Township of Plympton, County of Lambton; the Petition of Skeffington Connor, Esquire, and others; and the Petition of A. Vidal, Esquire, Vice-President, and R. Mackenzie, Secretary, on behalf of the Port Sarnia Temperance Society.

By Mr. Lacoste,--The Petition of the Reverend F.J. Lahay and others, of the Parish of Chambly.

By Mr. Taché,--The Petition of the Reverend H. Routier and others, of the Parish of St. Louis de Kamouraska.

By Mr. Solicitor General Drummond,--The Petition of the Reverend William Jones and others, the Minister, Church Wardens, and members of the Church of England at Farnham and Ste. Brigitte; and the Petition of V. Cleveland, of the Township of Barnston, County of Stanstead.

By Mr. Nelson,--The Petition of François Desaulnier, Esquire, and others, of the Parish of Yamachiche.

By Mr. Seymour,--The Petition of Baltus Shewman and others, of the Township of Fredericksburgh Original.

By Mr. Armstrong,--The Petition of the Reverend A.C. Lebel and others, of the Parish of St. Thomas, County of Berthier.

By Mr. Prince,--The Petition of N.C.W. Cannon, Elder, and others, colored inhabitants of the Township of Colchester, County of Essex.

By Mr. Stevenson,--The Petition of the Municipal Council of the County of Prince Edward.

By Mr. McFarland,--The Petition of Alexander Douglass and others, of the Township of Bertie, County of Welland; and the Petition of Robert Doan, of the Township of Crowland.

Petition of P. Gauvreau and others;

Ordered, That the Petition of Pierre Gauvreau and others, the President, Directors, and Members of the "Société Bienveillante des Ouvriers de Quebec"; the Petition of

(31)

Of the Guelph and Dundas Road Company;  
Of the Mun: Co: of Waterloo;  
Of the Mun: Co: of Wentworth and Halton;  
Of L. Comte;  
Of J. Guérard and others,  
referred.

the Guelph and Dundas Road Company; the Petition of the Municipal Council of the County of Waterloo (Guelph and Dundas Road Company); the Petition of the Municipal Council of the united Counties of Wentworth and Halton; the Petition of Louis Comte, of the City of Montreal, mason; and the Petition of Jean Guérard and others, of the City of Quebec, be referred to the Standing Committee on Standing Orders.

Message from  
the Council.

Joint Stock  
Companies  
Bill.

Interest of  
Money Laws  
Amendment  
Bill.

Joint Stock  
Companies  
Bill.

Interest of  
Money Laws  
Amendment  
Bill.

*A Message from the Legislative Council, by John Fen-  
nings Taylor, Esquire, one of the Masters in Chancery:--  
Mr. Speaker,*

*The Legislative Council have passed a Bill, intituled,  
"An Act to provide for the formation of incorporated Joint  
Stock Companies for manufacturing, mining, mechanical or  
chemical purposes," to which they desire the concurrence of  
this House: And also,*

*The Legislative Council have passed a Bill, intituled,  
"An Act to amend and simplify the Laws relating to the  
Interest of Money," to which they desire the concurrence of  
this House.*

*And then he withdrew.*

*An engrossed Bill from the Legislative Council, in-  
tituled, "An Act to provide for the formation of incor-  
porated Joint Stock Companies for manufacturing, mining,  
mechanical or chemical purposes," was read for the first  
time.*

*An engrossed Bill from the Legislative Council, in-  
tituled, "An Act to amend and simplify the Laws relating to  
the Interest of Money," was read for the first time.*

COL. PRINCE<sup>1</sup> moved for leave to bring in a Bill to confirm orders and decrees of the Court of Chancery. He said it was not his intention to attempt to abolish the Court after the vote that had been taken on the subject already<sup>2</sup> in the House of incurables<sup>3</sup> but where errors existed, he thought it was his duty to advise the House to amend or correct the errors, as far as it lay within its power. The hon. member for Cornwall had said very truly in the course of a recent debate, that certain rules which had been made by the former Vice Chancellor, in order to enable parties to recover sums due to them by absentees had been nullified by the two able Judges that were lately appointed to hold seats in that Court. Now, he thought that those rules were very necessary for the due administration of justice in that Court. There were numbers of cases he had no doubt, he was acquainted with two himself, in which decisions had been rendered under those rules, but the titles were now destroyed, and the consequence was that the parties must begin anew, involving enormous expenses, and rendering it not at all improbable that a number of titles derived under them would be upset by litigation during twenty years.<sup>4</sup>

MR. AT. GEN. BALDWIN said the question involved some very delicate considerations. It would be observed that the Bill called on them to set aside proceedings taken by a majority of the Court, and in which the former Vice Chancellor concurred.<sup>5</sup> It was decided that the orders had been declared illegal on the ground that they related to matters over which the Court had no jurisdiction. He would not say that it would be impossible to interfere by Legislation, but it was desirable to proceed in the matter with great caution.<sup>6</sup> He therefore hoped the second reading would be postponed till he had been able to ascertain the facts, and the Judges were furnished with copies of the Bill.<sup>7</sup>

MR. CAMERON said that none of the decrees under the rules made by the former Vice Chancellor, had been rescinded by the new orders<sup>8</sup>, but only ... certain orders of the court.<sup>9</sup> His opinion was, that those rules ought to be confirmed in order to avoid the expenses of renewed litigation.<sup>10</sup>

MR. AT. GEN. BALDWIN had known nothing of the case but what he had gathered from the statements of members.<sup>11</sup>

COL. PRINCE pressed his motion.<sup>12</sup>



(31)

Court of Chan-  
cery Proceed-  
ings Bill.

Ordered, That Mr. Prince have leave to bring in a Bill to confirm Decrees and Orders and other proceedings of the Court of Chancery of Upper Canada, in certain cases.

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time, on Wednesday, the twelfth of June next.

Local Taxes  
(U.C.) Re-  
covery Bill.

Ordered, That Mr. Prince have leave to bring in a Bill to enable Collectors of local Taxes in Upper Canada, for the several years between 1836 and 1848, both inclusive, to recover Taxes accrued in such years respectively,

and remaining due.

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time, on Wednesday, the twelfth of June next.

Message from  
His Excellency.

The Honorable Mr. Price, one of Her Majesty's Executive Council, delivered to Mr. Speaker a Message from His Excellency the Governor General, signed by His Excellency.

And the said Message was read by Mr. Speaker, all the Members of the House being uncovered; and is as followeth:--

Common  
School Educa-  
tion Act.

ELGIN AND KINCARDINE.

The Governor General informs the Honorable the Legislative Assembly that the Bill passed by the Legislative Council and Assembly in the month of March, 1849, and reserved for the signification of Her Majesty's pleasure, intituled, "An Act to raise an income of One hundred thousand pounds out of the Public Lands in Canada, for Common School Education," was specially confirmed and finally enacted by Her Majesty in Council, on the ninth of March, 1850.

Government House,

Toronto, 27th May, 1850.

Toronto  
Mechanics'  
Institute.

The Honorable Mr. Attorney General Baldwin laid before the House, a Statement of the real and personal Estate of the Toronto Mechanics' Institute.

Appendix (K.)

For the said Statement, see Appendix (K.)

COL. PRINCE moved for an address to His Excellency, for a list of all suits brought in the Court of Chancery in Upper Canada, since the 1st January, 1840.<sup>13</sup>

MR. AT. GEN. BALDWIN said there might be an advantage in having the statistical information asked for relative ((to)) the Court of Chancery before the House. As to the Court of Common Pleas it had only been organized before the last session, and he could not, therefore, see what particular object could be gained by the return asked for.<sup>14</sup>

COL. PRINCE understood there had ((been)) no suits in the Court, and he desired to know whether there was anything for the Court to do.<sup>15</sup>

MR. AT. GEN. BALDWIN said the law only came into force on the 14 December last.<sup>16</sup>

MR. BURRITT moved leave to introduce a bill to alter the mode of procedure in cases of Ejectment in Upper Canada.<sup>17</sup>

MR. J. SCOTT (Bytown) said a committee ought to be appointed to report upon the laws with a view of adopting an uniform mode of procedure for Upper and Lower Canada. Every member of the House, especially the lawyers, seemed to have some scheme of his own, intended to serve some particular purpose.<sup>18</sup>



(31)

On motion of Mr. Prince, seconded by Mr. McLean,

Suits in Chan-  
cery and Com-  
mon Pleas  
(U.C.)

Resolved, That an humble Address be presented to His Excellency the Governor General, praying that His Excellency will be pleased to order to be laid before this House with all convenient speed, a List of the Suits brought in the Court of Chancery in Upper Canada since the

first of January, 1840, specifying the names of the Plaintiff and Defendant in each Suit, the time of filing the Bill, and whether such Suit was disposed of or is still subsisting; also, the amount of costs taxed to the Plaintiff or Defendant in each Suit, as the case may be; and also, a Return of the number and title of all Suits brought in the Court of Common Pleas in Upper Canada since the erection of that Court.

Ordered, That the said Address be presented to His Excellency the Governor General, by such Members of this House as are of the Honorable the Executive Council of this Province.

Actions of  
Dower Bill  
(U.C.)

Ordered, That Mr. Burritt have leave to bring in a Bill to alter the practice of the law in Actions of Dower in Upper Canada.

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time, on Wednesday next.

Actions of  
Ejectment  
Bill (U.C.)

Ordered, That Mr. Burritt have leave to bring in a Bill to alter and amend the practice and proceedings in Actions of Ejectment in Upper Canada.

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time, on Wednesday next.

Wesleyan Min-  
isters (L.C.)  
Relief Bill.

Ordered, That Mr. Egan have leave to bring in a Bill to relieve Ministers of the Wesleyan Methodist Church in Canada from the obligation to obtain Special Licenses in order ((to)) keep Registers of Baptisms, Marriages

and Burials in Lower Canada.

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time, on Monday next.

Road Laws  
(L.C.) Re-  
print Bill.

Ordered, That the Honorable Mr. LaTerrière have leave to bring in a Bill to provide for the reprinting of the Acts and Ordinances in force in Lower Canada relative to Highways and Bridges, and for other purposes.

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time, on Tuesday next.

Bill relating  
to Buoys on  
certain shoals.

Ordered, That the Honorable Mr. LaTerrière have leave to bring in a Bill to oblige the Trinity House of Quebec to lay down Buoys to mark the shoals in the north channel of the River St. Lawrence, and to facilitate the

traverse from Cape Tourmente to Isle aux Reaux.

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time, on Friday next.

(32)

Saguenay  
Second Muni-  
cipal Council  
Bill.

Ordered, That the Honorable Mr. LaTerrière have leave to bring in a Bill to authorize the inhabitant householders holding lands in the new settlements on the borders of the Saguenay, forming the Second Municipal Division of

that County, to establish a Municipal Council therein, and for other purposes.

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time, on Monday next.

Chambly Turn-  
pike Road  
Bill.

Ordered, That Mr. Davignon have leave to bring in a Bill to amend the Ordinance relating to the Longueuil and Chambly Turnpike Road.

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time, on Monday next.

Usury Law  
Bill.

Ordered, That the Honorable Mr. Sherwood have leave to bring in a Bill to alter the Law of Usury.

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time, on Friday next.

Real Property  
Registration  
Bill.

Ordered, That Mr. Laurin have leave to bring in a Bill to amend the Ordinance which provides for the Registration of Titles to and Incumbrances on Real Property.

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time, on Monday next.

Small Causes  
(L.C.) Bill.

Ordered, That Mr. Laurin have leave to bring in a Bill to amend the Act for the summary trial of Small Causes in Lower Canada.

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time, on Tuesday next.

On motion of Mr. Chauveau, seconded by Mr. Lemieux,

Quebec Turn-  
pike Roads.

Resolved, That an humble Address be presented to His Excellency the Governor General, praying that His Excellency will be pleased to lay before this House,

copies of all Accounts made and rendered by the Trustees of the Quebec Turnpike Roads, for the years 1848 and 1849; and also, copies of all Documents and Correspondence between the Executive and the said Trustees on the subject of the management of the said Roads; and copies of the Proceedings of the said Trustees, and of their Correspondence with the proprietors of Dorchester Bridge, on the subject of the purchase of the said Bridge, in conformity with the Act passed in the last Session of Parliament for that purpose.

Ordered, That the said Address be presented to His Excellency the Governor General, by such Members of this House as are of the Honorable the Executive Council of this Province.

On motion of Mr. Duchesnay, seconded by Mr. Egan,

Fines levied  
by Justices of  
the Peace.

Resolved, That an humble Address be presented to His Excellency the Governor General, praying him to cause to be laid before this House, a Statement containing the names of such Justices of the Peace for the District

of Quebec, as have made Returns to the Government of Fines imposed and levied by them since the 1st January, 1847.

Ordered, That the said Address be presented to His Excellency the Governor General, by such Members of this House as are of the Honorable the Executive Council of this Province.

Division  
Courts (U.C.)  
Bill (No. 1.)

Ordered, That the Honorable Mr. Sherwood have leave to bring in a Bill to amend, consolidate, and reduce into one Act, the several Laws now in force referring to



*Division Courts in Upper Canada.*

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time, on Wednesday, the nineteenth of June next.

*Vessels Night Light Bill.*

*Ordered, That the Honorable Mr. Cameron of Cornwall have leave to bring in a Bill to amend an Act, intituled,*

*"An Act to compel Vessels to carry a Light during the Night, and to make sundry provisions to regulate the navigation of the waters of this Province."*

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time, on Thursday, the sixth of June next.

MR. NOTMAN<sup>19</sup> moved for leave to bring in a bill to vest in Trustees the property and effects of Drunkards.<sup>20</sup> He pointed out ... the evils inflicted on their families by drunkards, and the necessity of preventing them from disposing of their property.<sup>21</sup> He said he had lately seen instances of men fully able to support their family respectably, squander their property on account of their intemperate habits. He then related some instances of the evil effects of intemperance.<sup>22</sup> ((He described)) a case of misery, caused by "delerium tremens" ... ((and)) expatiated on the infamy of a drunkard scattering the feathers of his bed over the geese of the common, and using a broad axe for the purpose of making mince-meat of various packages of baby linen, grey worsted socks which had never been darned, embroidered night-caps, and dilapidated nightgowns, &c., &c., &c.<sup>23</sup>

COL. GUGY approved of the course of the member for Middlesex, so far as it went, but desired to see more efficient measures taken for the suppression of intemperance.<sup>24</sup> ((He)) thought this an attempt at hasty legislation. A bill on the subject of which he had given notice would embrace everything that human ingenuity would devise.<sup>25</sup> He referred to the report of the committee on intemperance last year.<sup>26</sup>

MR. M. CAMERON (Kent) heartily approved of the Bill<sup>27</sup>. He had introduced a bill of this nature fifteen years ago, but at that time it was treated with ridicule. He was glad to see that such a change had taken place in public opinion on the subject, that members were now anxious to get the credit of being the first to move in the matter.<sup>28</sup> He desired that the Bill should extend to Lower Canada also.<sup>29</sup>

MR. EGAN asked if it was intended that the application of the bill would extend to Lower Canada.<sup>30</sup>

MR. NOTMAN--No; but he had no objection to extend it to Lower Canada.<sup>31</sup>

MR. SOL. GEN. DRUMMOND said that the Bill was not required for Lower Canada<sup>32</sup>. If it was shown that a man in Lower Canada was incapable of managing his property the<sup>33</sup> common<sup>34</sup> law made provision for appointing persons to take care of his property.<sup>35</sup>

MR. DEWITT, MR. FLINT, and MR. H. BOULTON, declared themselves in favor of the Bill.<sup>36</sup>

MR. FLINT thought the bill would have a very good effect in checking intemperance.<sup>37</sup>

MR. NOTMAN said he should be happy to see a committee appointed, as had been suggested.<sup>38</sup>

COL. GUGY did not wish to see a general measure on so narrow a basis as this. It only proposed to deal with one branch of the subject.<sup>39</sup>

(32)

*Bill relating to property of in-*

*Ordered, That Mr. Notman have leave to bring in a Bill to vest in Trustees the property of persons who are in-*



temperate  
persons.

capacitated by Intemperance to manage their own affairs.

He accordingly presented the said Bill to the House, and the same was received and read for the first time.

Message from  
His Excellency.

The Honorable Mr. Hincks, one of Her Majesty's Executive Council, delivered to Mr. Speaker a Message from His Excellency the Governor General, signed by His Excellency.

And the said Message was read by Mr. Speaker, all the Members of the House being uncovered; and is as followeth:--

Exhibition  
of Industry  
in London.

ELGIN AND KINCARDINE.

The Governor General transmits for the information of the Honorable the Legislative Assembly, copies of three Despatches, and their enclosures, from Her Majesty's Secretary of State, having reference to the Exhibition of Industry of all Nations to be held in London, in the year 1851.

Government House,  
Toronto, 21st May, 1850.<sup>40</sup>

MR. INSP. GEN. HINCKS promised to refer them to the consideration of a committee.<sup>41</sup>

(32)

Appendix (L.)

For the Documents accompanying the said Message, see Appendix (L.)

Public  
Accounts.

The Honorable Mr. Hincks, one of Her Majesty's Executive Council, laid before the House, by command of His Excellency the Governor General, the Public Accounts for the

year 1849.

Appendix (C.)

For the said Accounts, see Appendix (C.)

Bonds and  
Securities.

And also, The Registrar's Report of Bonds and Securities registered since the commencement of the last Session of the Legislature, in compliance with the Act 4 & 5 Vic.

cap. 91, sec. 15.

Appendix (M.)

For the said Report, see Appendix (M.)

Bill relating  
to Upton Town-  
ships.

Ordered, That Mr. Cartier have leave to bring in a Bill to separate certain concessions of the Township of Upton from the District of Three Rivers, and to unite them for Judicial purposes to the District of Montreal and

to the St. Hyacinthe Circuit, and for Municipal purposes to the Parish of St. Huques in the last named District.

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time, on Wednesday, the twelfth of June next.

(33)

Imprisonment  
for Debt Bill.

Ordered, That the Honorable Mr. Boulton have leave to bring in a Bill for abolishing imprisonment for debt.

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time, on Wednesday next.

Warrants.

The Honorable Mr. Boulton moved, seconded by Mr. Hopkins, and the Question being put, That leave be given to bring in a Bill relating to Warrants;<sup>42</sup>

MR. H. BOULTON (Norfolk) moved for leave to bring in a bill relating to warrants.<sup>43</sup>

MR. AT. GEN. BALDWIN requested the hon. member to explain the object of his bill. He had not the most remote idea to what kind of warrants the bill had reference.<sup>44</sup>

MR. H. BOULTON declined to answer the interrogatory of the Hon. Attorney General, and appealed to the Speaker<sup>45</sup> to inform him, whether the hon. Attorney General West had a right to demand an explanation from him. He would rather allow his bill to be thrown out, than submit to be catechised by the Attorney General West. (Question, question.)<sup>46</sup>

MR. MORIN the SPEAKER said, that the hon'ble member might explain the object of his bill, or not, just as he pleased.<sup>47</sup>

(33)

The House divided: and the names being called for, they were taken down, as follow:--

YEAS.

Messieurs Badgley, Boulton of NORFOLK, Chauveau, Hopkins, Malloch, McLean, and Papineau.--(7.)

NAYS.

Messieurs Armstrong, Attorney General Baldwin, Boulton of TORONTO, Bouthillier, Cameron of CORNWALL, Cameron of KENT, Cartier, Davignon, DeWitt, Solicitor General Drummond, Duchesnay, Egan, Flint, Fortier, Hincks, Holmes, Jobin, LaTerrière, Laurin, Solicitor General Macdonald, McConnell, Merritt, Méthot, Mongenais, Sanborn, Sauvageau, Scott of TWO MOUNTAINS, Seymour, Sherwood of BROCKVILLE, Smith of DURHAM, and Smith of WENTWORTH.--(31.)

So it passed in the Negative.

On motion of Mr. Holmes, seconded by Mr. Flint,

Joint Stock  
Companies  
Bill.

Ordered, That the engrossed Bill from the Legislative Council, intituled, "An Act to provide for the formation of incorporated Joint Stock Companies for manufacturing, mining, mechanical or chemical purposes," be read a second time, on Wednesday next.

MR. W. BOULTON (Toronto) moved for an Address to His Excellency for a Return of stationery used in the public departments for the year ending 31st December, 1849.<sup>48</sup>

MR. INSP. GEN. HINCKS said the executive could not give this information. The stationery used was provided by the clerk and charged to contingent expenses.<sup>49</sup>

MR. W. BOULTON said the expense of this item in the State of New York was \$3,000; and he was satisfied that here it would be \$30,000.<sup>50</sup>

(33)

On motion of Mr. Boulton of Toronto, seconded by Mr. Stevenson,

Stationery  
for Public  
Departments.

Resolved, That an humble Address be presented to His Excellency the Governor General, praying His Excellency to cause the proper officer to lay before this House, a Return of the expense incurred for Stationery during the year ending 31st December, 1849, and distributed to the various Public Departments.

Ordered, That the said Address be presented to His Excellency the Governor General, by such Members of this House as are of the Honorable the Executive Council of this Province.

On motion of Mr. Boulton of Toronto, seconded by Mr. Stevenson,

Toronto Har-  
bour Dues.

Resolved, That an humble Address be presented to His Excellency the Governor General, praying His Excellency to cause the proper officer to lay before this House, a Return of the amount collected for Harbour Dues at the Port of Toronto, for the



year 1849, and, also, a detailed Statement shewing the balance, if any, still due to the Government on account of sums advanced upon the authority of certain Acts of Parliament of Upper Canada for constructing and repairing the Queen's Wharf at the entrance of the said Harbour.

Ordered, That the said Address be presented to His Excellency the Governor General, by such Members of this House as are of the Honorable the Executive Council of this Province.

Annual Re-  
ports from  
Public Officers.

The Honorable Mr. Boulton moved, seconded by Mr. Seymour, and the Question being put, That leave be given to introduce a Bill to provide for annual Reports from Public Officers;<sup>51</sup>

MR. W. BOULTON (Toronto) ... thought these reports would contain information very desirable to have.<sup>52</sup> He said that the system of preparing the public accounts here was very unsatisfactory, when compared with that adopted in the State of New York. There the Comptroller sent down to the House at the beginning of each Session, a full report of the Public Accounts, together with what observations he might have to make, affording to members an opportunity of studying them thoroughly, instead of being left to gather what information they could from bare columns of figures.<sup>53</sup>

MR. AT. GEN. BALDWIN opposed the motion.<sup>54</sup> ((He)) said as the members of government gave explanations from their place in the House, he could not see what object was to be gained by publishing reports also.<sup>55</sup> He stated the heads of departments gave ... all the information that was required.<sup>56</sup>

MR. H. BOULTON (Norfolk) spoke in favour of the principle of the Bill. He wanted to make it imperative by law for the Heads of Departments to furnish annual reports to the House. The system of governing by caprice should be put an end to. The public know nothing about the financial state of the country.<sup>57</sup> He was understood to say, that the statements made each Session, by the Inspector General, were anything but satisfactory, as they were not accompanied by any explanation, except what could be gathered from the annual speech of that officer<sup>58</sup> which was forgotten the next year or if referred to in the reports of the papers, he would say "oh the reporter has misrepresented me, or was asleep while I was speaking." He thought there was a wide difference between a mere verbal report and one that was written which must be stood by.<sup>59</sup> ((He)) urged the necessity of adopting the New York system.<sup>60</sup>

MR. INSP. GEN. HINCKS said, that the remarks of the hon. member for Norfolk were evidently dictated by complete ignorance of the public accounts. If that were not the case, he would never assert that every shilling expended by the Government<sup>61</sup> was put into the public accounts that were sent down to the House.<sup>62</sup> But the two hon. gentlemen, who resembled a pair of Siamese twins, in their sudden admiration of every part of the polity of the State of New York, would apparently wish to make it appear, that the system in use here was not known in any other part of the world;-- on the contrary, it was exactly the same as had been practised in England for a great number of years. Did they think that such men as Hume and Cobden would be contented with it, if the system of the State of New York were so much superior? Would they not propose that it should be introduced into England? In the State of New York, or in the Congress of the United States, it was impossible to adopt any other mode of conveying to members the views of the comptroller, because it was impossible for him to enter into any explanation on the floor of a house in which he had no seat.<sup>63</sup> What did the Comptroller's report amount to after all? There were the public accounts to be sure, accompanied with the opinions of the Comptroller.<sup>64</sup> But what did hon. gentlemen want with the opinions or observations of a comptroller here? If he (Mr. H.) accompanied his accounts with a report of his observations or views, the hon. member for Norfolk would have been the very first man to rise and charge him with impertinence, and that from the mere fact that it would be utterly inconsis-



tent with our form of Government. Here the Finance Minister stands on the floor of the House to urge the adoption of his estimates, to enter into explanation, or answer objections. In the States nothing of the kind is known. The comptroller, and in fact all the ministers, are excluded from the house, and have no other means of communicating with it but by the documents that he sends down annually. What is the result of that beautiful system? Why that a very elaborate report of the secretary was dropped, because there was no one in the house to explain his views and urge their adoption. He could not conceive that such a system worked well, or was preferable to ours. As to the proposition that the public accounts should be sent down on the second day of each session; he would merely say that it was a very unusual thing in England to bring them down before the speech from the throne was answered, and that if the hon. gentleman brought in a Bill to make it compulsory to lay them on the table on the second day of the session, he ought to bring in another to provide that the speech should be answered on the first.<sup>65</sup>

MR. W. BOULTON (Toronto) said that if his motion had no other effect it would at least do some good by exciting a discussion as to the relative merits of our constitution compared with that of the State of New York, and would perhaps be instrumental in convincing hon. members of the vast superiority of the latter. He had no doubts on the subject himself, and would be prepared to give his vote in favor of a change whenever the proper time should arrive<sup>66</sup> for there, a real responsibility existed, but here<sup>67</sup> there was no real responsibility.<sup>68</sup> This he illustrated by a reference to the fact that ministers withheld information from the house when inquired for. There was irresponsible correspondence with the Home Government that the ministry refused to communicate to the house.<sup>69</sup> Hon. members might ask question after question, and be told "we cannot answer you, or do not choose to answer you."<sup>70</sup> And yet they said that we have responsible government. Such a system was unsuited to any country.<sup>71</sup> There the responsibility was complete: the information that members had a right to expect, they were certain of obtaining.<sup>72</sup> Hon. gentlemen on the other side of the house did not like the ministry very much personally (sic), and would very often like to oppose them; but then they were met with the threat that they would only transfer the power to this side and so were coerced against their wills. That was the system. It was a perfect absurdity to compare the government of this country with that of England. It was not alike in any particular. The hon. member went on to argue that the system of government of the State of New York was better adapted to our state of society : and to show various anomalies and absurdities in our system of responsible government. Some of which were that according to it an infamous measure like the Indemnity Act was a local measure; while other mere parish business was reserved for the royal assent; other of a character which affected our most vital interests we could not legislate upon. He stated that we had copied these laws of the United States that related to the formation of the public mind, as for instance their municipal laws, and those which had reference to education.<sup>73</sup> Why should not a system which gives so much satisfaction, be copied, when day after day laws were introduced here, copied word for word from their statute book. For his own part, he did not care who was in office, so long as the constitution remains in its present state, for it was impossible for any set of men to make it work well, and he would be quite willing that the present ministry would remain in office for ever if it were retained.<sup>74</sup> As regarded economy, he instanced the comptrollers office of the State of New York, the third largest port in the world, the whole expenses of which only came to \$17,000 per annum, while the analogous office of this small province cost \$16,000.<sup>75</sup> The Comptroller of the State of New York sits in his office all day, does the business himself not with three or four Assistants and at the end of the year makes a report to the Legislature.<sup>76</sup>

MR. H. SHERWOOD said, that under the existing constitution--which resembled that of England--he could not see how the head of a department could be consistently called on to make such a report as his hon. colleague required. The heads of departments now occupied seats in the House for the purpose of enabling them to make

such explanations as are considered necessary, and to declare and defend their views. If the hon. gentleman thought it absolutely necessary that a report should be laid on the table, then he must provide for the appointment of an officer for that purpose; but as that would relieve the hon. gentlemen opposite from an immense responsibility, he should certainly be opposed to it. At present they are held responsible for their conduct, and it was a very easy matter to get rid of them, if that were not satisfactory. The first step for the hon. gentleman to take would be to bring in a Bill to abolish the present constitution—he would not say he would support such a Bill—and it would form the groundwork for the proposition he then advanced. Under existing circumstances, he would not consent to relieve the ministry from one atom of responsibility, nor would he give his support to any measure which would have the effect of weakening our connection with Britain.<sup>77</sup>

MR. ROBINSON followed, speaking against the motion.<sup>78</sup>

MR. PAPINEAU would go beyond the proposal of the member for Toronto—he<sup>79</sup> was anxious to see every thing relating to the Public Departments regulated by law, and a fair exposition of the views of the ministry published twice a year, in connection with the Public Accounts, instead of the undigested mass that is laid on the table each Session, under the present arrangement<sup>80</sup> because under our system the time of parliament, meeting is uncertain. If this were done, the House when it met would have the information before it. The system would introduce real responsibility, because it would bind ministers to their statements—their verbal accounts were worth nothing.<sup>81</sup> The ministry with all their regard for English precedents, did not follow it in the matter of courtesy, which was a distinguishing characteristic of the ministry in England. If any hon. member here asked for any information he was generally repelled with a peevish unsatisfactory answer from the Inspector General or some of his colleagues. The hon. member proceeded to argue in favour of republican government. He severely censured the government for refusing to allow members to introduce bills they might deem necessary. There was no precedence for their course on some bills members desired to introduce. They acted in the most tyrannical and arbitrary manner, and dragooned members like school boys.<sup>82</sup>

MR. COM. PUB. WORKS MERRITT said, the observations of the learned member for Norfolk, would place him (Mr. M.) in a wrong position before the House and country. As Chairman of the Finance Committee in 1836, he had expressed himself in favour of reports being made in the manner at present proposed, except by bill, and he had not altered his opinion since. He did not mean to say, that the learned member, Mr. Boulton, was not sincere as to his proposition, but<sup>83</sup> the hon. gentleman was too pertinacious in demanding that this should be done in a particular way.<sup>84</sup> He certainly showed a defect in judgment in endeavouring to effect his object; as the Attorney General West stated, it was not necessary to bring in a bill for the purpose. This was no new idea, he said, as it had been the subject of consideration for years, and bills had been brought in since the Union to effect the object.<sup>85</sup> The Finance Committee would take the subject into consideration, and till then he thought the bill should be withdrawn. If the committee recommended it to be done, it would have to be done.<sup>86</sup> Would the member for Norfolk persevere with his motion in favour of a bill to effect it, and which would only occupy the time of the House unnecessarily.<sup>87</sup>

MR. W. BOULTON thought that committee would have too much to do. He would be willing if the ministry would allow its introduction to refer it on its second reading to the committee.<sup>88</sup>

MR. AT. GEN. BALDWIN.--Oh, no, no!<sup>89</sup> ((He)) considered the first reading as proper an occasion to discuss the merits of the Bill, as at any other time. If the nature of a bill could only be collected from its details, then it should be discussed at a second reading. But with reference to the bill then before the House, such a course would be a waste of time.<sup>90</sup>

COL. PRINCE--After commenting very fully upon the loose nature of the title of



the bill which had been introduced,<sup>91</sup> protested against the refusal of the ministry to permit the introduction of the bill. He protested against the system of burking measures of that kind in their infancy<sup>92</sup> in the same way as the petition he had presented was burked.<sup>93</sup> Why not let them go abroad and be discussed by the people. They objected to reports of the kind proposed, because they were afraid of the exposure of their corruption. He would ever protest against such a system as that which refused the petition of his constituents; and they would find when they came to the hustings that the people would not support it. It was not the practice in England to oppose the introduction of bills like that of his hon. friend.<sup>94</sup> There were two reasons why the bill should not be thrown out, in which the members of government were interested--it would enable them to communicate information, and would protect them from fresh obloquy.<sup>95</sup>

MR. CHAUVEAU spoke in favor of the introduction of the bill; and in favor of the usual course of allowing the fair discussion of any question.<sup>96</sup> ((He)) said that if precedents were to be quoted it would be better to quote those of the government of the State of New York, than those of the English.<sup>97</sup>

MR. SOL. GEN. DRUMMOND said, the hon. member for Norfolk (Mr. Boulton,) formerly considered it a species of high treason to go for authority, with reference to legislation, to the United States. At present, persons at the head of departments are required to give all the information that is wanted; the house did not wish for their individual opinions. There was no desire, he said, on the part of the administration, to stifle discussion. When it was proposed formerly to frame a municipal law similar to that in operation in the United States, he (Mr. D.) was charged with republicanism. But a great change had evidently taken place in the views of the hon. Members for Norfolk and Essex. He remembered when the latter gentleman was the strenuous advocate of responsible government, and when he declared he would shoulder his musket, were it necessary, to establish it.<sup>98</sup>

COL. PRINCE--It is untrue, it is untrue.<sup>99</sup>

MR. SOL. GEN. DRUMMOND--At that time he was the staunch supporter of the throne and of monarchy.<sup>100</sup> He enquired what kind of a weight would keep the hon. member down to responsible government, whether it would be a weight of gold or lead.<sup>101</sup> But his conduct recently reminded him, (Mr. D.) of certain cities, during the middle ages, whose inhabitants at one time would go forth to battle in defence of their prince, and subsequently, from interested motives, would use their arms for the subversion of that throne which they had previously cemented with their blood. There was only this difference, that he (Mr. P.) had cemented the throne with the blood of his victims.<sup>102</sup>

COL. PRINCE said it had been the custom of very impertinent persons to attack him on the floor of that house; a habit which was neither parliamentary nor correct.<sup>103</sup> He said similar allusions had been made by other members, particularly by the Attorney General West, in relation to the transaction referred to.<sup>104</sup> The hon. and very learned Sol. Gen., who had spoken last had done him injustice. He could not follow the hon. and very learned Sol. Gen., so grand, so methodistical and lackadaisical--so very fine altogether. He (Col. P.) had not made victims of republicans but of men without any politics at all, who had murdered his friends and neighbours in his presence.<sup>105</sup> He (Mr. P.) did no more than his duty in destroying pirates who were invading the country and perpetrating every outrage. But what had that to do with responsible government. He would only say, that at his request his conduct on that occasion had been enquired into by the highest authority in England; and it had been decided at the Horse Guards that it had been such as it should have been.<sup>106</sup> His conduct on that occasion could not be judged of by so pigmy a mind as that of the Sol. Gen., who was not fit to be a clerk in the tribunal before which he was tried at his own request by the Horse-Guards. And this was the man, this mushroom Sol. Gen., this mere minion of power, that attacked the man who had saved the whole Western District; he repelled with<sup>107</sup> the utmost and most unqualified



contempt<sup>108</sup> the attack of the hon. gentleman, who possessed a mind as puny as his body.<sup>109</sup>

(33)

The House divided: and the names being called for, they were taken down, as follow:--

YEAS.

Messieurs Badgley, Boulton of NORFOLK, Boulton of TORONTO, Cameron of CORNWALL, Cameron of KENT, Cayley, Chauveau, DeWitt, Hopkins, Malloch, McConnell, McLean, Meyers, Prince, Sanborn, Seymour, Sherwood of TORONTO, and Stevenson.--(18.)

NAYS.

Messieurs Armstrong, Attorney General Baldwin, Bouthillier, Burritt, Cauchon, Chabot, Davignon, Solicitor General Drummond, Duchesnay, Dumas, Flint, Fortier, Fournier, Fourquin, Guillet, Hall, Jobin, Johnson, LaTerrière, Laurin, Solicitor General Macdonald, McFarland, Merritt, Méthot, Mongenais, Notman, Richards, Robinson, Ross, Sauvageau, Scott of BYTOWN, Scott of TWO MOUNTAINS, Smith of DURHAM, Smith of WENTWORTH, and Taché.--(35.)

So it passed in the Negative.

Cullers' Bill.

Ordered, That Mr. Laurin have leave to bring in a Bill to amend the Act passed in the eighth year of Her Majesty's Reign, chapter forty-nine, intituled, "An Act to regulate the culling and measurement of Timber, Masts, Spars, Deals, Staves, and other articles of a like nature, and to repeal a certain Act therein mentioned."

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time, on Wednesday next.

Nottawasaga Bay and Penetanguishene Harbour.

The Honorable Mr. Robinson moved, seconded by Mr. Stevenson, and the Question being put, That an humble Address be presented to His Excellency the Governor General, requesting that he will cause a Survey to be made under the direction of the Board of Works, of Nottawasaga

Bay on Lake Huron, (County of Simcoe,) by a competent Civil Engineer, with instructions to report on the practicability and probable expense of making a safe and commodious Harbour at that place; also, to examine and report on Penetanguishene Harbour, on Lake Huron, with a view of ascertaining the most desirable termination on that Lake for a Railroad running from the City of Toronto through the Counties of York and Simcoe viâ Barrie;

The House divided: and the names being called for, they were taken down, as follow:--

YEAS.

Messieurs Boulton of NORFOLK, Cayley, McLean, Meyers, Papineau, Robinson, Seymour, and Stevenson.--(8.)

NAYS.

Messieurs Armstrong, Attorney General Baldwin, Bouthillier, Burritt, Cauchon, Trillot, Chauveau, Davignon, DeWitt, Duchesnay, Flint, Fortier, Fournier, Hincks, Hopkins, Jobin, Laurin, Solicitor General Macdonald, Merritt, Méthot, Mongenais, Notman, Richards, Sanborn, Sauvageau, Scott of BYTOWN, Scott of TWO MOUNTAINS, Smith of DURHAM, Smith of WENTWORTH, and Taché.--(30.)

So it passed in the Negative.

On motion of Mr. Hopkins, seconded by the Honorable Mr. Boulton,

Lunatic Asylum (U.C.)

Resolved, That an humble Address be presented to His Excellency the Governor General, praying His Excellency to be pleased to cause to be laid before this House, a Statement in detail exhibiting an account of all monies raised from the People of Upper Canada for the erection and support of the Provincial Lunatic Asylum.

Ordered, That the said Address be presented to His Excellency the Governor General, by such Members of this House as are of the Honorable the Executive Council of this Province.

(34)

Assessment  
Bill (U.C.)

Ordered, That the Honorable Mr. Hincks have leave to bring in a Bill to establish a more equal and just system of Assessment in the several Townships, Villages, Towns

and Cities in Upper Canada.

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time, on Tuesday, the eleventh of June next.

Common  
Schools  
(U.C.) Bill.

Ordered, That the Honorable Mr. Hincks have leave to bring in a Bill for the better establishment and maintenance of Common Schools in Upper Canada.

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time, on Friday, the seventh of June next.

Silver Coins,  
Bill.

Ordered, That the Honorable Mr. Hincks have leave to bring in a Bill to alter the rate at which certain Silver Coins shall be a legal tender.

He accordingly presented the said Bill to the House,<sup>110</sup>

MR. INSP. GEN. HINCKS introduced a Bill to alter the current value of certain Foreign Coins. By a recent change in the Laws of the United States, the Mexican and Spanish Coins, forming the fractional parts of a dollar, had been reduced in value, and the result was that great quantities of them had been imported into Canada by way of the Niagara frontier, as he had been informed.--His object was to reduce the value of these coins to<sup>111</sup> a shilling currency<sup>112</sup> the same value at which they had been rated in the States, in order to prevent their importation at a fictitious rate.<sup>113</sup> It was not generally known that they were not a legal tender<sup>114</sup>.

(34)

and the same was received and read for the first time; and ordered to be read a second time, on Friday next.

Reciprocal  
Free Trade  
Bill.

Ordered, That the Honorable Mr. Hincks have leave to bring in a Bill to facilitate reciprocal Free Trade between this Province and the other British Provinces in North America.

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time, on Friday next.

Public Works  
Companies  
Bill.

Ordered, That the Honorable Mr. Hincks have leave to bring in a Bill to extend the Act for the formation of Companies for constructing Roads and other Works, to Companies formed for the purpose of acquiring Public Works

of a like nature.

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time, on Friday, the seventh of June next.

On motion of the Honorable Mr. Attorney General Baldwin, seconded by Mr. Fortier,

Petitions for  
Private Bills.

Resolved, That the time for presenting Petitions to this House for Private Bills be extended until Wednesday next.

On motion of the Honorable Mr. Attorney General Baldwin, seconded by Mr. Laurin,  
Adjournment.

Resolved, That To-morrow being a Statutory Holiday, this

*House when it doth adjourn will adjourn until Friday next.*

Orders  
deferred.

Ordered, That the Orders of the day be postponed until  
Friday next.

Then, on motion of the Honorable Mr. Attorney General Baldwin, seconded by Mr.  
Laurin,

The House adjourned.



APPENDIX: 29 MAY 1850.

((NOTICE OF MOTION RE: EXTENDING JURISDICTION OF INFERIOR COURTS.))<sup>115</sup>

MR. SOL. GEN. MACDONALD gave notice that he would on Friday next move for leave to bring in a bill to extend the jurisdiction of the Inferior Courts.<sup>116</sup>

((QUESTION AND ANSWER RE: AMERICAN VESSELS ON ST. LAWRENCE.))<sup>117</sup>

MR. METHOT enquired of the Ministry, if it be true that American vessels can come down from the Lakes and Inland Ports to Montreal, there to discharge their cargoes and take in new freight for the Interior; and if such be the case, why Quebec has been refused this privilege?<sup>118</sup>

MR. INSP. GEN. HINCKS replied, that no change had been made this year, so far as regarded the trade with Montreal. Montreal had been placed on the same footing--as an inland port--as Kingston or Toronto, and the only favor she enjoyed was, that<sup>119</sup> American vessels, and other vessels coming from the ocean, were by special permission allowed to enter at the port of Montreal,<sup>120</sup> instead of being obliged to stop at Quebec. He believed it was the desire of every member of the Cabinet to encourage the traffic on the St. Lawrence as much as possible; but under existing circumstances, the Government was not prepared to open the entire trade of the river to the United States--and that would be the effect if they were permitted to go to Quebec--at a time when a Bill of the most vital importance to Canada is before Congress, and when the retention in our hands of the river trade for the present, is the most effectual means of securing its success.<sup>121</sup> He felt assured that the country would be satisfied with that explanation.<sup>122</sup>

((QUESTION AND ANSWER RE: GASPE FISHERIES.))<sup>123</sup>

MR. CHRISTIE inquired of the ministry, whether they intended to introduce during this session any measure for the encouragement or relief of the Fisheries carried on in this Province in the Gulf of St. Lawrence, or Gaspé District, by taking off the Duty on Salt and other articles necessary to the Fisheries, and whether any correspondence on this subject had during the late Recess taken place between this and the Home Government, and whether there were any objections to lay such correspondence before the House?<sup>124</sup>

MR. INSP. GEN. HINCKS said, with regard to the first branch of the enquiry, the Government were not prepared to introduce any measure<sup>125</sup> and that they were most decidedly opposed to removing the duties from the articles required in the trade, with, perhaps the exception of salt--.<sup>126</sup> Salt was the only article on which they proposed to reduce the duty<sup>127</sup>. There was no correspondence between the Provincial and the Home Government on the subject, save such as was already in possession of the hon. member for Gaspé.<sup>128</sup> OR He had no objection to sending down a despatch on the subject, received from the Colonial office, in consequence of memorials to that department, from persons interested in the trade.<sup>129</sup>

((QUESTION AND ANSWER RE: INDEMNIFICATION FOR LOSS SUSTAINED THROUGH DAMAGE TO BEAUHARNOIS CANAL.))<sup>130</sup>

MR. MONGENAIIS ((inquired)) whether the present Ministry had taken any steps to prevent the dam constructed at the head of the Beauharnois Canal from overflowing the neighbouring lands for the future, and whether they intend to indemnify those who have suffered from the flood, caused by the dam, last spring.<sup>131</sup>

MR. COM. PUB. WORKS MERRITT stated that a survey would be made, and the parties who had suffered would be indemnified.<sup>132</sup>

((QUESTION AND ANSWER RE: MONEY FOR IMPROVING L'ORIGINAL AND BYTOWN ROAD.))<sup>133</sup>

MR. JOHNSON inquired of the ministry, whether it is the intention of government to expend the remainder of the monies granted for the improvement of L'Original and Bytown road during the present session.<sup>134</sup>

MR. COM. PUB. WORKS MERRITT said the subject was under consideration.<sup>135</sup>

((WITHDRAWN MOTION RE: ADDRESS ON SURVEY OF LAKE HURON.))

MR. ROBINSON moved for an address to His Excellency respecting a certain survey on Lake Huron.<sup>136</sup>

MR. COM. PUB. WORKS MERRITT said the government were giving up the roads and they could not hereafter undertake public works. He considered that the parties themselves should bear the expense of the survey of the line of road.<sup>137</sup>

((POSTPONED BILL RE: CHANGES IN PRACTICE OF COURTS OF LAW.))<sup>138</sup>

MR. NOTMAN asked leave to introduce a Bill to make certain changes in the practice of the<sup>139</sup> Courts of Queen's Bench and Common Pleas<sup>140</sup> in Upper Canada. He explained at some length the nature of his bill.<sup>141</sup> He proposed that there should be no fees, except for disbursements to jury, crier, sheriff, &c., allowed to Attorneys, except such sums as might be agreed on between themselves and their clients; to repeal the new rules of pleading the general issue; the present was too finely drawn a system of legal argument, and would puzzle a Philadelphia lawyer to understand; to abolish all writs and summons into court, and substitute a simple declaration. He further proposed throwing open the profession to all the world; any person should be allowed to conduct his own cause, or to authorise any one to appear for him; to increase the jurisdiction of the Division Courts to £100 in undefended causes, and in disputed accounts to £50, with right to call a jury in all cases over a certain sum. He would make landed property liable for judgment in the Division as in the superior Courts. He proposed to abolish the clerkship of Assize--the duties of which could be performed by any one who could read and write, and ought not to cost the £2,000 and more which they did at present. He would pay the clerks £1 per day for their services, and fund the fees which they had hitherto received. The costs of court, the fees of sheriffs, jury, witnesses, &c., should be paid by the losing party, but the fees of the attorney and counsel should be paid by the client employing them.<sup>142</sup> There was a great outcry in the country on account of the scourge that the law costs had inflicted on litigants.<sup>143</sup>

COL. GUGY said the country was more interested in having a tariff of costs than the lawyers were. The taxation of costs was a protection of the public.<sup>144</sup>

MR. J. CAMERON (Cornwall) said the new rules of the Court, which it was proposed to abolish, instead of having increased the costs had materially reduced them. The Bill proposed to destroy the profession.<sup>145</sup> The changes proposed were very similar to those made in the State of New York.<sup>146</sup> He represented the new court of the State of New York as a failure.<sup>147</sup> With reference to one part of the plan, that of making no tariff of attorneys fees, but allowing a bargain to be made between the parties, he could inform the House that the effect had been to increase the fees of attorneys in that State five fold.<sup>148</sup> He had conversed with several gentlemen of the New York bar,<sup>149</sup> ((and)) a leading practitioner in that state had told him (Mr. C.) that when a cause was brought to him to conduct he did not know of course what trouble or difficulty he might have in prosecuting it, and in order that he might be safe,<sup>150</sup> owing to the abolition of the power to collect costs his friend would not undertake any case without being paid \$50 down.<sup>151</sup> ((He)) would never commence a suit before receiving fifty dollars in cash; the case might be a very simple one and easily gained, but in order to save himself from the risk that he would otherwise run, he was obliged to charge this large sum.<sup>152</sup> As to the



admissions to the bar the power was not in the hands of judges in the State, and the examination was more stringent than before. This plan was much worse, than ours, which places the examination in the hands of the Law Society.<sup>153</sup>

MR. AT. GEN. BALDWIN considered it one of the most important duties of the Ministry to watch the progress of the measures proposed in the house, to see that no principle was introduced which would prove injurious to the interests of the people<sup>154</sup> and in all events not to give their countenance to any measure proposing to make alterations in the laws in which they could not concur. He thought the measure embraced several matters that might very well be made the subject of separate legislation. He objected that the measure was brought forward before the government measure alluded to in the Royal speech was introduced.<sup>155</sup> If the Government measure did not meet the views of hon. members, they were then at liberty to introduce others. He hoped that his hon. and learned friend would postpone his bill until that time. He did think however that his hon. friend had entered upon an investigation of this subject with rather more haste than deliberation.<sup>156</sup> He (Mr. B.) could not promise that the measure would at all come up to the notions of the member for Middlesex.<sup>157</sup> More than once the hon. member had said that he wished to make every thing simple and plain in the practice of the courts. Now he (Mr. B.) contended that<sup>158</sup> this, however desirable,<sup>159</sup> among a civilized people where transactions were complicated and interests involved important, it was impossible to secure the same simplicity in these affairs as among a nation of savages.<sup>160</sup> If the hon. member wished to render everything so simple he must reduce us to a state of barbarism.<sup>161</sup> The arrangements of many of these matters must be difficult and complicated, and he had observed that in endeavours to make them plain, people had often ended in making them more complex. They were not contented to bear patiently their difficulties, but struggled as in a net only to become more entangled. With reference to the new system of the State of New York to which the hon. member wished to assimilate (sic) ours, he believed that it had not lessened the difficulties of intricacies of the proceedings. The hon. member then quoted from a pamphlet of the hon. Mr. Justice Edmonds, of New York, in support of his statement<sup>162</sup>, condemnatory of the new system in that State.<sup>163</sup> If they were to change the entire system, a new set of decisions and authorities would have to be given and appealed to, and this would not reduce the expenses.<sup>164</sup> There must be pleading<sup>165</sup>. There was no doubt that it was most desirable for the suitor that the expenses should be fixed and not left to individuals, so that the ignorant might be imposed on, and he was quite sure that the lawyers would be infinitely better paid if they were left to make what bargain they pleased. As to throwing open the profession to all, it was impossible by doing so to do away with lawyers;<sup>166</sup> call them what they will there must be lawyers, who devote their time to the study of the subject<sup>167</sup>. You could no more do without them than without merchants; it was necessary to employ such men, and to pay them according to the talent employed, to the intricacy of the proceedings, and to the amount<sup>168</sup> of property<sup>169</sup> at stake.<sup>170</sup> Did he view the subject as one of mere interest to the lawyers, he was satisfied that the more and the greater the change the better.<sup>171</sup> He thought however that it would have a tendency to lower the character of the profession, which by its respectability in education and standing assisted in maintaining a respect for the law, and gave the public confidence in the power they possessed of obtaining justice. He did not wish to press a hasty decision on the matter, however, but would like to examine the other propositions of the hon. member, to which he could not say at present that he was absolutely opposed.<sup>172</sup> ((He)) would oppose the bill.<sup>173</sup>

MR. H. SHERWOOD (Toronto) denounced the Bill, and moved that it should not be received.<sup>174</sup> He characterized it as being an attempt to bring about a revolution of the whole system of jurisprudence, and one of the most sweeping and reckless bills that had ever been introduced into any legislature.<sup>175</sup>

MR. LYON spoke in favor of the bill.<sup>176</sup> He had intended to introduce a bill of this nature. He was not surprised to see the Toronto lawyers try to laugh down this Bill that would affect their pockets. These parties were opposed to<sup>177</sup> any



change in the present system, which gave all the profits of the profession to them.<sup>178</sup> The hon. member for Toronto (Mr. Sherwood) had, at a previous time, introduced a bill--the Division Courts Bill--similar in principle to this one, as it permits anyone to conduct a case in that Court. He (Mr. L.) intended to introduce a measure throwing open the profession of the law. He had no doubts that the gentleman who had stated that the new system in the State of New York had increased the law costs had been told so, but there was no proof of the fact.<sup>179</sup>

MR. RICHARDS did not believe that hon. gentlemen from Toronto were influenced by any such motives as were imputed to them. He was surprised to find that the mover of the Bill wished to abolish the new pleadings; they had diminished costs, and had given method and order to the practice. He would like, however, to see the Bill printed and discussed<sup>180</sup> so that all might see what it was the gentleman wanted<sup>181</sup> and he was sure that no professional man would object to it. As to following the changes recently made in the State of New York, whose system now resembled, as he was informed, that of Lower Canada, he would like to see that system tried for a few years, and if it worked well, there could be no objection to following the example.<sup>182</sup>

MR. COM. PUB. WORKS MERRITT expressed himself favourable to the system of the State of New York.<sup>183</sup>

MR. NOTMAN considered his measure not revolutionary but reformatory; he did not wish to subvert the whole structure of English law, the law of evidence for instance, he desired to preserve it in its purity--it was only the outworks that he wished to improve. He was surprised that the Attorney-General had opposed his measure, because it interfered with a Government Bill, while he had suffered measures to be introduced by the Members for Durham and Norfolk on the same subject.<sup>184</sup>

MR. SOL. GEN. MACDONALD was in favour of the printing of the Bill.<sup>185</sup>

MR. AT. GEN. BALDWIN explained, that he did not think when the Bills were introduced by the Members for Durham and Norfolk, that they would interfere with the Government measure; he had however, found since, that that of his hon. friend from Norfolk was on the same subject, although the hon. member had said that it was not.<sup>186</sup>

MR. H. BOULTON deprecated the codifying of laws which he contended in all ages and countries had proved failures.<sup>187</sup>

MR. NOTMAN consented to postpone the introduction of his bill.<sup>188</sup>

The introduction of the Bill was postponed.<sup>189</sup>

((POSTPONED BILL RE: PUBLIC PRINTING.))<sup>190</sup>

MR. W. BOULTON (Toronto) moved for leave to bring in a bill to provide for the public Printing. He stated that it provided for the abolition of the office of Queen's Printer.<sup>191</sup>

MR. COM. PUB. WORKS MERRITT suggested that the hon. member had better postpone his bill.<sup>192</sup>

MR. INSP. GEN. HINCKS asked the hon. gentleman to postpone for the present, as the question involved in it would necessarily come under the consideration of the Committee to which the public expenditure was referred. A great deal had been said at different times about the large sums paid for Printing and charges of extravagance had on that account, been made against the ministry. Now, so far from those charges being well founded, a very great reduction had been effected by the present government, in the printing of the private or local bills last session, and also in the printing of the Statutes. The price paid to the Queen's printer for printing the Statutes was formerly 3s.3d. per thousand ems, and they had succeeded in reducing it to 2s. 6d. per thousand ems. He was very much mistaken if the printing for the House, given out to public competition did not cost quite as much; and yet he

supposed that the hon. gentleman, in order to get rid of the Queen's Printer, would wish to have the Government printing given out to other parties, although it could not be done any cheaper.<sup>193</sup> With reference to the question if it were advisable to abolish the Official Gazette, he was not prepared then to go into it.<sup>194</sup>

MR. W. BOULTON was very glad to hear that a saving had been effected by the government. He consented to let the bill lie over for the present.<sup>195</sup>

FOOTNOTES: 29 MAY 1850.

1. The following papers reported the debate on this matter in identical accounts: GLOBE, 1 June 1850, NORTH AMERICAN, 31 May 1850, EXAMINER, 5 June 1850; HAMILTON SPECTATOR, 5 June 1850, ST. CATHARINES JOURNAL, 6 June 1850, and BATHURST COURIER, 7 June 1850.
2. HAMILTON SPECTATOR, 5 June 1850.
3. EXAMINER, 5 June 1850.
4. HAMILTON SPECTATOR, 5 June 1850.
5. IBID.
6. EXAMINER, 5 June 1850.
7. HAMILTON SPECTATOR, 5 June 1850.
8. IBID.
9. EXAMINER, 5 June 1850.
10. HAMILTON SPECTATOR, 5 June 1850.
11. EXAMINER, 5 June 1850.
12. IBID.
13. IBID.
14. IBID.
15. IBID.
16. IBID.
17. IBID.
18. IBID.
19. The following papers reported the debate on this matter in identical accounts: GLOBE, 1 June 1850, NORTH AMERICAN, 4 June 1850, HAMILTON SPECTATOR, 5 June 1850, ST. CATHARINES JOURNAL, 6 June 1850, and BATHURST COURIER, 7 June 1850. The debate was also reported by: EXAMINER, 5 June 1850. A commentary appeared in BRITISH COLONIST, 31 May 1850.
20. EXAMINER, 5 June 1850.
21. HAMILTON SPECTATOR, 5 June 1850. According to HAMILTON SPECTATOR, he spoke "feelingly and forcibly."
22. EXAMINER, 5 June 1850.
23. BRITISH COLONIST, 31 May 1850.
24. HAMILTON SPECTATOR, 5 June 1850.
25. EXAMINER, 5 June 1850.
26. HAMILTON SPECTATOR, 5 June 1850.
27. IBID.
28. EXAMINER, 5 June 1850.
29. HAMILTON SPECTATOR, 5 June 1850.
30. EXAMINER, 5 June 1850.
31. IBID.
32. HAMILTON SPECTATOR, 5 June 1850.
33. EXAMINER, 5 June 1850.
34. HAMILTON SPECTATOR, 5 June 1850.
35. EXAMINER, 5 June 1850.
36. HAMILTON SPECTATOR, 5 June 1850.
37. EXAMINER, 5 June 1850.
38. IBID.
39. IBID.
40. The following papers reported the debate on this matter in identical accounts: GLOBE, 1 June 1850, NORTH AMERICAN, 4 June 1850, PILOT, 4 June 1850, HAMILTON SPECTATOR, 5 June 1850, ST. CATHARINES JOURNAL, 6 June 1850, BATHURST COURIER, 7 June 1850, and PACKET, 8 June 1850.
41. HAMILTON SPECTATOR, 5 June 1850.
42. The following papers reported the debate on this matter in identical accounts: GLOBE, 1 June 1850, PILOT, 4 June 1850, and PACKET, 8 June 1850. The debate was also reported by MONTREAL GAZETTE, 3 June 1850.



43. PILOT, 4 June 1850.
44. IBID.
45. MONTREAL GAZETTE, 3 June 1850.
46. PILOT, 4 June 1850.
47. IBID.
48. MONTREAL GAZETTE, 3 June 1850.
49. IBID.
50. IBID.
51. The following papers reported the debate on this matter in partially identical accounts: GLOBE, 1 June 1850, NORTH AMERICAN, 4 June 1850, HAMILTON SPECTATOR, 5 June 1850, PILOT, 4 June 1850, ST. CATHARINES JOURNAL, 6 June 1850, BATHURST COURIER, 7 June 1850, and PACKET, 8 June 1850. The debate was also reported by: MONTREAL GAZETTE, 3 June 1850; and EXAMINER, 5 June 1850. MONTREAL TRANSCRIPT, 4 June 1850, noted the debate.
52. MONTREAL GAZETTE, 3 June 1850.
53. HAMILTON SPECTATOR, 5 June 1850.
54. MONTREAL GAZETTE, 3 June 1850.
55. EXAMINER, 5 June 1850.
56. MONTREAL GAZETTE, 3 June 1850.
57. EXAMINER, 5 June 1850.
58. HAMILTON SPECTATOR, 5 June 1850.
59. MONTREAL GAZETTE, 3 June 1850.
60. HAMILTON SPECTATOR, 5 June 1850.
61. IBID.
62. EXAMINER, 5 June 1850.
63. HAMILTON SPECTATOR, 5 June 1850.
64. EXAMINER, 5 June 1850.
65. HAMILTON SPECTATOR, 5 June 1850.
66. IBID.
67. MONTREAL GAZETTE, 3 June 1850.
68. HAMILTON SPECTATOR, 5 June 1850.
69. EXAMINER, 5 June 1850.
70. HAMILTON SPECTATOR, 5 June 1850.
71. EXAMINER, 5 June 1850.
72. HAMILTON SPECTATOR, 5 June 1850.
73. MONTREAL GAZETTE, 3 June 1850.
74. HAMILTON SPECTATOR, 5 June 1850.
75. MONTREAL GAZETTE, 3 June 1850.
76. EXAMINER, 5 June 1850.
77. HAMILTON SPECTATOR, 5 June 1850.
78. MONTREAL GAZETTE, 3 June 1850.
79. EXAMINER, 5 June 1850.
80. HAMILTON SPECTATOR, 5 June 1850.
81. EXAMINER, 5 June 1850.
82. MONTREAL GAZETTE, 3 June 1850.
83. HAMILTON SPECTATOR, 5 June 1850.
84. EXAMINER, 5 June 1850.
85. HAMILTON SPECTATOR, 5 June 1850.
86. EXAMINER, 5 June 1850.
87. HAMILTON SPECTATOR, 5 June 1850.
88. MONTREAL GAZETTE, 3 June 1850.
89. IBID.
90. HAMILTON SPECTATOR, 5 June 1850.
91. IBID.
92. MONTREAL GAZETTE, 3 June 1850.
93. HAMILTON SPECTATOR, 5 June 1850.
94. MONTREAL GAZETTE, 3 June 1850.

95. HAMILTON SPECTATOR, 5 June 1850.
96. MONTREAL GAZETTE, 3 June 1850.
97. EXAMINER, 5 June 1850.
98. HAMILTON SPECTATOR, 5 June 1850. This exchange between Drummond and Prince almost led to a duel which was only averted when both members apologized in the House before the doors were opened. See PILOT, 4 June 1850; MONTREAL TRANSCRIPT, 4 June 1850; BRITISH WHIG, 5 June 1850; BATHURST COURIER, 7 June 1850; and LA MINERVE, 3 June 1850, and JOURNAL DE QUEBEC, 13 June 1850, in identical accounts.
99. HAMILTON SPECTATOR, 5 June 1850.
100. IBID.
101. MONTREAL GAZETTE, 3 June 1850.
102. HAMILTON SPECTATOR, 5 June 1850.
103. MONTREAL GAZETTE, 3 June 1850. See footnote 98.
104. HAMILTON SPECTATOR, 5 June 1850.
105. MONTREAL GAZETTE, 3 June 1850.
106. HAMILTON SPECTATOR, 5 June 1850.
107. MONTREAL GAZETTE, 3 June 1850.
108. HAMILTON SPECTATOR, 5 June 1850.
109. MONTREAL GAZETTE, 3 June 1850.
110. The following papers reported this speech in identical accounts: GLOBE, 1 June 1850, HAMILTON SPECTATOR, 5 June 1850, ST. CATHARINES JOURNAL, 6 June 1850, and BATHURST COURIER, 7 June 1850. The speech was also reported by EXAMINER, 5 June 1850.
111. HAMILTON SPECTATOR, 5 June 1850.
112. EXAMINER, 5 June 1850.
113. HAMILTON SPECTATOR, 5 June 1850.
114. EXAMINER, 5 June 1850.
115. The following papers reported this notice in identical accounts: PILOT, 4 June 1850, ST. CATHARINES JOURNAL, 6 June 1850, BATHURST COURIER, 7 June 1850, and PACKET, 8 June 1850.
116. PILOT, 4 June 1850.
117. The following papers reported this question in identical accounts: GLOBE, 1 June 1850, BRITISH COLONIST, 31 May 1850, BRITISH WHIG, 3 June 1850; PILOT, 4 June 1850, HAMILTON SPECTATOR, 5 June 1850, BATHURST COURIER, 7 June 1850, PACKET, 8 June 1850; LA MINERVE, 3 June 1850, and JOURNAL DE QUEBEC, 13 June 1850. The question was also reported by: NORTH AMERICAN, 31 May 1850; MONTREAL GAZETTE, 3 June 1850; MONTREAL TRANSCRIPT, 3 June 1850; and EXAMINER, 5 June 1850.
118. MONTREAL TRANSCRIPT, 4 June 1850.
119. HAMILTON SPECTATOR, 5 June 1850.
120. BRITISH COLONIST, 31 May 1850.
121. HAMILTON SPECTATOR, 5 June 1850.
122. MONTREAL GAZETTE, 3 June 1850.
123. The following papers reported this question in identical accounts: BRITISH COLONIST, 31 May 1850, and BRITISH WHIG, 3 June 1850. The following papers reported the question in partially identical accounts: GLOBE, 1 June 1850, PILOT, 4 June 1850, HAMILTON SPECTATOR, 5 June 1850, and PACKET, 8 June 1850. The question was also reported by: MONTREAL GAZETTE, 3 June 1850; NORTH AMERICAN, 4 June 1850; and EXAMINER, 5 June 1850.
124. MONTREAL GAZETTE, 3 June 1850.
125. BRITISH COLONIST, 31 May 1850.
126. HAMILTON SPECTATOR, 5 June 1850.
127. MONTREAL GAZETTE, 3 June 1850.
128. BRITISH COLONIST, 31 May 1850.
129. HAMILTON SPECTATOR, 5 June 1850.
130. The following papers reported this question in identical accounts: MONTREAL

- GAZETTE, 3 June 1850, and MONTREAL TRANSCRIPT, 4 June 1850. The question was also reported by: BRITISH WHIG, 1 June 1850; and EXAMINER, 5 June 1850.
131. MONTREAL GAZETTE, 3 June 1850.
  132. IBID.
  133. The following papers reported this question in identical accounts: MONTREAL GAZETTE, 3 June 1850, and MONTREAL TRANSCRIPT, 4 June 1850. The question was also reported by EXAMINER, 5 June 1850.
  134. EXAMINER, 5 June 1850.
  135. IBID.
  136. IBID.
  137. IBID.
  138. The following papers reported the debate on this postponed bill in partially identical accounts: GLOBE, 1 June 1850, NORTH AMERICAN, 4 June 1850, PILOT, 4 June 1850, HAMILTON SPECTATOR, 5 June 1850, ST. CATHARINES JOURNAL, 6 June 1850, BATHURST COURIER, 7 June 1850, and PACKET, 8 June 1850. The debate was also reported by: MONTREAL GAZETTE, 3 June 1850; and EXAMINER, 5 June 1850.
  139. HAMILTON SPECTATOR, 5 June 1850.
  140. EXAMINER, 5 June 1850.
  141. MONTREAL GAZETTE, 3 June 1850.
  142. HAMILTON SPECTATOR, 5 June 1850.
  143. EXAMINER, 5 June 1850.
  144. IBID.
  145. IBID.
  146. HAMILTON SPECTATOR, 5 June 1850.
  147. EXAMINER, 5 June 1850.
  148. HAMILTON SPECTATOR, 5 June 1850.
  149. EXAMINER, 5 June 1850.
  150. HAMILTON SPECTATOR, 5 June 1850.
  151. EXAMINER, 5 June 1850.
  152. HAMILTON SPECTATOR, 5 June 1850.
  153. EXAMINER, 5 June 1850.
  154. HAMILTON SPECTATOR, 5 June 1850.
  155. EXAMINER, 5 June 1850.
  156. HAMILTON SPECTATOR, 5 June 1850.
  157. EXAMINER, 5 June 1850.
  158. HAMILTON SPECTATOR, 5 June 1850.
  159. EXAMINER, 5 June 1850.
  160. HAMILTON SPECTATOR, 5 June 1850.
  161. EXAMINER, 5 June 1850.
  162. HAMILTON SPECTATOR, 5 June 1850.
  163. EXAMINER, 5 June 1850.
  164. HAMILTON SPECTATOR, 5 June 1850.
  165. EXAMINER, 5 June 1850.
  166. HAMILTON SPECTATOR, 5 June 1850.
  167. EXAMINER, 5 June 1850.
  168. HAMILTON SPECTATOR, 5 June 1850.
  169. EXAMINER, 5 June 1850.
  170. HAMILTON SPECTATOR, 5 June 1850.
  171. EXAMINER, 5 June 1850.
  172. HAMILTON SPECTATOR, 5 June 1850.
  173. EXAMINER, 5 June 1850.
  174. HAMILTON SPECTATOR, 5 June 1850.
  175. MONTREAL GAZETTE, 3 June 1850.
  176. IBID.
  177. EXAMINER, 5 June 1850.
  178. HAMILTON SPECTATOR, 5 June 1850.
  179. EXAMINER, 5 June 1850.
  180. HAMILTON SPECTATOR, 5 June 1850.



181. MONTREAL GAZETTE, 3 June 1850.
182. HAMILTON SPECTATOR, 5 June 1850.
183. IBID.
184. IBID.
185. IBID.
186. IBID.
187. IBID.
188. MONTREAL GAZETTE, 3 June 1850.
189. HAMILTON SPECTATOR, 5 June 1850.
190. The following papers reported the debate on this postponed bill in partially identical accounts: GLOBE, 1 June 1850, NORTH AMERICAN, 4 June 1850, PILOT, 4 June 1850, HAMILTON SPECTATOR, 5 June 1850, and PACKET, 8 June 1850. The debate was also reported by: MONTREAL GAZETTE, 3 June 1850; and EXAMINER, 5 June 1850.
191. MONTREAL GAZETTE, 3 June 1850.
192. IBID.
193. HAMILTON SPECTATOR, 5 June 1850.
194. MONTREAL GAZETTE, 3 June 1850.
195. HAMILTON SPECTATOR, 5 June 1850.

FRIDAY, 31 MAY 1850.

(34)

Mr. Wilson  
takes his seat.

JOHN WILSON, Esquire, Member for the Town of London, having previously taken the oath according to law, and subscribed before the Commissioners the Roll containing the same, took his

seat in the House.

Lachine  
Railroad.

Mr. Speaker laid before the House, a Statement of the Affairs of the Montreal and Lachine Railroad, for the year ending 31st December, 1849.

Appendix (G.)

For the said Statement, see Appendix (G.)

Montreal  
Mechanics'  
Institute.

And, also, a Statement of the property of the Mechanics' Institute of Montreal, as required by the Act 8 Vic. c.93.

Appendix (K.)

For the said Statement, see Appendix (K.)

Petitions  
brought up.

The following Petitions were severally brought up, and laid on the table:--

By Mr. Scott of Two Mountains,--The Petition of A.E. Montmarquet and others, of the Parish of St. André, County of Two Mountains.

By Mr. Armstrong,--The Petition of the Reverend Antoine Manseau and others, of the Parish of St. Charles Borromée.

By Mr. Flint,--The Petition of the Reverend M. Lalor and others, of the Town of Picton, County of Prince Edward.

By Mr. Dumas,--The Petition of the Reverend R. Neyron and others, members of the Temperance Society of the Parish of St. Henri de Mascouche; and the Petition of the Reverend J.B. Dupuy and others, of the village of L'Assomption, County of Leinster.

By Mr. Lacoste,--The Petition of G. Marchand and others, of the village of St. Johns, Dorchester.

By Mr. Sauvageau,--The Petition of the Reverend Richard Lonsdell, Minister, and others, Wardens and Members of the Church of England at Laprairie, in Lower Canada; the Petition of Louis A. Lefevre, Esquire, and others, of the Parish of St. Remi; the Petition of the Reverend T.M. Mainway and others, of the Parish of Laprairie, County of Huntingdon; and the Petition of the Very Reverend A. Morin and others, of the southern part of the County of Huntingdon.

By Mr. Egan,--The Petition of William King, Esquire, and others, of Bytown and its vicinity.

By Mr. McFarland,--The Petition of the Municipal Council of the District of Niagara.

By Mr. Sanborn,--The Petition of C.P. Reid and others, Trustees of the Academy in the Township of Compton, District of St. Francis.

By Mr. Prince,--The Petition of James Smith, Esquire, and others, of the Counties of Kent and Lambton.

By Mr. Guillet,--The Petition of James Henderson and others, of the Parish of Ste. Geneviève de Batiscan, and others, County of Champlain.

By Mr. Smith of Wentworth,--The Petition of the Municipality of the Township of Brantford; two Petitions of the Town Council of the Town of Brantford; and the Petition of the Municipality of the Township of Ancaster.

By Mr. Jobin,--The Petition of J. Desautels and others, members of the Temperance Society of the Parish of Ste. Magdeleine de Rigaud.

By Mr. Morrison,--The Petition of the Municipal Council of the County of York.

By Mr. Chauveau,--The Petition of the Corporation of the School of Medicine of Quebec; and the Petition of the Reverend P. Huot and others, of the Parish of Ste. Foye, County of Quebec.

By Mr. Ross,--The Petition of the Mayor and Councillors of the City of Quebec;

and the Petition of the Reverend Edouard Dufour and others, of Somerset and other Townships.

By Mr. Cartier,--The Petition of the Reverend A. Lemay and others, of the Parish of Ste. Victoire; and the Petition of the Municipal Council of the County of Richelieu.

(35)

By Mr. Nelson,--The Petition of the Sisters of Charity of the General Hospital of Montreal.

By Mr. Cauchon,--The Petition of the Reverend E. Payment and others, members of the Temperance Society of the Parish of St. Charles de Charlesbourg; and the Petition of the Reverend L. Parant and others, of St. Jean Port Joli.

By the Honorable Mr. Price,--The Petition of the Reverend W.J. Macdonell, Chairman, and William Martin, Clerk, on behalf of the United Congregation of South Gower, Oxford, and Mountain; and the Petition of J. Counter, Esquire, Mayor, and others, of the City of Kingston,

praying for the discontinuance of Sunday mails.<sup>1</sup>

MR. COM. CR. LANDS PRICE: ... called particular attention to this petition, signed by a large number of the most respectable inhabitants of the town of Kings-ton, as well as to the importance of its passage.<sup>2</sup> Too much could not be said in favour of the prayer of the petition, and he hoped it would receive the earnest attention of Parliament. Even with a view to relieving the children of toil from their labors for a day, sabbath observance was of the utmost importance, and through it religion conferred a great temporal blessing, but with a view to make preparation for a brighter and better world, the subject partook of a higher and deeper import.<sup>3</sup>

(35)

By Mr. Burrutt,--The Petition of the Reverend James Geggie and others, of the Township of Edwardsburgh, District of Johnstown.

By Mr. Gugy,--The Petition of William Rees, Esquire, late Medical Superintendent of the Provincial Lunatic Asylum at Toronto.

Petitions read.

Pursuant to the Order of the day, the following Petitions were read:--

Of J. H. Dorwin and others, of the Township of Rawdon, County of Leinster; praying an Act of Incorporation, to enable them to construct a Railway from the Village of Industry, by a certain route, to the Village of Rawdon, in the said Township.

Of the Reverend Messire Charland and others, of the Parish of St. Clément, County of Beauharnois; of Louis Blanchet and others, members of the Temperance Society of the Parish of St. Charles, County of Bellechasse; of J.A. Berthelot, Esquire, and others, of the Parish of St. Eustache; of Louis Magnan and others, of the Parish of Ste. Elizabeth; of the Reverend Messire Quintal and others, of the Parish of Boucherville; of the Reverend L.T. Bernard and others, of the Parish of Beauport; of the Reverend Léon Noel and others, of the Parish of Beaumont; of the Reverend J. Doucet and others, members of the Temperance Society of the Parish of St. Jean Baptiste de l'Isle Verte, County of Rimouski; of the Reverend F.X. Delage, and others, members of the Temperance Society of the Parish of L'Islet; of the Reverend G. Crevier and others, of St. Hyacinthe; of the Reverend E. Lavoie and others, of the Parish of St. Vincent de Paul, District of Montreal; of the Reverend A. Théberge, Curé, and others, of the Parish of St. Louis de Terrebonne; of the Reverend Joseph Duquet and others, of the Parish of Ste. Thérèse de Blainville; of the Reverend X.O. Bruneau and others, of the Parish of St. François-Xavier de Verchères; of the Reverend Louis T. Fortier and others, members of the Temperance Society of the Parish of St. Jean Baptiste de Nicolet; of A. Vidal, Esquire, Vice-President, and R. Mackenzie, Secretary, on behalf of the Port Sarnia Temperance Society; of the Reverend F.T. Lahay and others, of the Parish of Chambly; of the Reverend H. Routier and others of the Parish of St. Louis de



Kamouraska; and of the Reverend A.C. Lebel and others, of the Parish of St. Thomas, County of Berthier; praying that certain measures be adopted for the suppression of intemperance.

Of the Company of Proprietors of the Champlain and St. Lawrence Railroad; praying for the extension of their Charter so as to enable them to continue the said Railroad to the Province Line, and for the increase of their Capital Stock, and such other amendments to their Charter as shall enable them to carry on the said extension of Railroad.

Of William Workman and others, on behalf of the Corporation of the Montreal and Province Line Junction Railway Company; praying for the passing of an Act to transfer the powers granted to the said Company by their Charter for the construction of the said Railway, to the Company of Proprietors of the Champlain and St. Lawrence Railroad.

Of Moyse Morin and Alexis Morin, Esquires, of the County of Rimouski; praying that such copies of the Provincial Statutes as they are entitled to receive, be delivered to the Officers of certain Battalions of Militia in the said County.

Of Mrs. Adelaide Turcot, widow of the late John Clark, Esquire, of Quebec; praying for a pension, in consideration of the death of her late husband by typhus fever contracted by him in the public service.

Of the Reverend N.S. Hébert and others, of the Counties of L'Islet and Kamouraska; praying aid to open certain Roads and to construct certain Bridges in the said Counties for their more effectual colonization.

Of the Minister, Church Wardens, and other members of the Church of England at Grenville; of the Reverend Robert Lindsay, the Minister, and others, Church Wardens and members of the Church of England at Brome and Sutton; of the Reverend Richard Whitwell, Minister, and others, Church Wardens and members of the Church of England at St. Armand West; of the Reverend Andrew Balfour, Minister, and others, Church Wardens and members of the Church of England at Kingsey; of the Reverend W. King and others, the Minister, Wardens and members of the Church of England at the Township of Broughton; and of the Reverend William Jones and others, the Minister, Church Wardens and members of the Church of England at Farnham and Ste. Brigitte; praying that the privilege of conferring degrees in the Arts and in Divinity may be extended to Bishop's College, and the annual grant to the said College so increased as to place it upon an equal footing with similar institutions throughout the Province.

Of the Reverend J.L. Guyon and others, of the Parish of Ste. Elizabeth; praying aid in the behalf of an Educational Institution in the Village of the said Parish.

Of the Reverend Messire Lébourdais and others, of the County of St. Maurice; praying that the Registry Office of the said County may be placed at the Parish of Ste. Anne d'Yamachiche.

Of Aaron Silverthorn and Newman Silverthorn, of the Township of Toronto; praying for authority to construct a Dam across the River Thames, in the Township of Howard, in the County of York.

Of H. J. Greenstreet, of West Flamborough; praying for the passing of an Act to authorize the Court of Queen's Bench and the Court of Chancery in this Province to admit him to practice as an Attorney and Solicitor therein respectively.

Of Samuel V. Doran and others, of the Township of Yarmouth, County of Middlesex; praying for the abolition of the Rectories and Clergy Reserves, general Retrenchment, repeal of the Usury Laws, Law Reform and reduction of Law Fees, election of Local Officers, equal Representation, elective Legislative Council, and the extension of the Elective Franchise.

Of P. Defossé and others, of the Seigniorship of Cap de la Madeleine, District of Three Rivers; praying for the remission of the arrears of cens et rentes and lods et ventes due by them.

Of J.O. Houd and others, of Grondines and other Parishes; praying for a reduction of the taxes imposed at the Port of Montreal upon vessels navigating the St. Lawrence, and for certain other measures with reference thereto.

Of Robert Buchanan and others; praying for aid to complete the Great Northern Road from Toronto to Penetanguishene.

Of George Kennedy and others, of Toronto and other Townships; praying that certain Townships therein mentioned be formed into a new County to be called the

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Township of Ontario.

Of Alexis Rivard, Esquire, and Joseph Garon, Esquire, of Rimouski; praying remuneration for their services as Warden and Clerk, respectively, of the late Municipal Council of the Municipal District of Rimouski.

Of the Reverend T. Destroismaisons and others, of the Parish of St. Germain de Rimouski, County of Rimouski; praying for the construction of a Canal to connect the navigation of the St. Lawrence with the River St. John, and for the opening and improving of certain Roads in the said County.

Of L.J. Lepage, Mayor, and L.F. Garon, Secretary-Treasurer, on behalf of the Municipality Number Two, of the County of Rimouski; praying for certain alterations to the Seigniorial Tenure, and in the Seigniorial rights.

Of Colin M.K. McDonald and others; praying for the passing of an Act to restore to the people of Upper Canada the advantages of Medical Toleration.

Of J.W. Parent and others, of the Parish of Ste. Zotique de Côteau Landing, and other places, in the County of Vaudreuil; praying indemnity for losses sustained by the construction, by the Board of Works, of a dam at the western end of the Beauharnois Canal, or for the demolition of the said dam.

Of the President and Directors of the Etobicoke and Mono Sixth Line Road Company; praying that certain increased powers be granted to the said Company, and that they be authorized under their Charter to construct a Road from the said Road to Hurontario Street.

Of the Montreal Mining Company; praying that the said Company be authorized to issue Promissory Notes payable at the Bruce Mines, under such regulations as may secure the public against loss thereby.

Of Milo Parke and others, of the Township of Fredericksburgh; praying for the passing of an Act to establish certain boundary lines in the said Township.

Of Messieurs Gooderham and Worts, and others, Shipmasters, trading to the Ports of Quebec and Montreal; praying for certain amendments regarding Quarantine, Inspecting Physician, Boarding by Custom House Officers, and delay before proceeding to the Ballast Ground, and for the adoption of certain measures to avert danger at Cape Rozier and the Bird Rocks.

Of James Walker and others, of the City of Quebec; praying for certain amendments to the Act for regulating the shipping of Seamen.

Of the Honorable Adam Ferrie and others, Members of the Canada, New Brunswick, and Nova Scotia Railway Company; praying an extension of their Charter, with power to extend the said Line of Railway to its junction with the Railway now made, or in course of construction, between Montreal and St. Hyacinthe and Melbourne.

Of E. Cartier, Esquire, Mayor, and B. de la Bruère, Secretary-Treasurer, on behalf of the Municipal Council of the County of St. Hyacinthe; praying that measures be adopted for the abolition of the Seigniorial Tenure.

Of the Corporation of the College of St. Hyacinthe; praying for aid to enable them to enlarge the said College.

Of R.C. Wilkins and others, of the Township of Ameliasburgh; praying for the passing of an Act to appoint a Commissioner to settle certain disputed Surveys in the said Township.

Of James Pierson and others, of the third concession of the Township of Hillier, County of Prince Edward; praying for a new survey of the rear line of the said concession of the said Township.

Of Louis Bertrand, Esquire, Mayor, and A. Fraser, Secretary-Treasurer, on behalf of the Municipal Council of Rimouski; praying that the District Town of the new District of Kamouraska be established at Rivière du Loup.

Of C.H. Lassiseraye, of the Town of Three Rivers; praying that the balance due



him as Principal Teacher of the Education Society of Three Rivers may be granted him.

Of John Frost, Esquire, and others, of the Counties of Waterloo and Simcoe; praying that certain Townships in the said Counties be formed into a new County, and for certain provisions respecting such new County.

Of Alexander Kilborn and others, Trustees of the Stanstead Seminary; praying the usual aid in support of the said Institution.

Of the Municipality of the Township of Woodhouse; praying that no alteration be made in the boundary between the Townships of Walpole and Woodhouse as recommended in the Report of Thomas W. Welsh, Esquire.

Of the Municipality of the Township of Brantford; praying that measures be adopted to apply the proceeds accruing from the Rectories and Clergy Reserves to purposes of general Education.

Of the Municipality of the Township of Brantford; praying that local Revenues and certain Licenses be placed under the control of the Municipalities.

Of the Reverend L. Provancher and others, of Tring and other Townships, County of Megantic; praying for aid to complete the Lambton Road.

Of Robert Cobban, of the Township of Inverness, County of Megantic; praying for payment of a certain amount due him as Chairman and Returning Officer for the said Township in the year 1841.

Of the Reverend A. Thérberge, Curé, and others, Church Wardens of the Parish of St. Louis de Terrebonne, County of Terrebonne; praying for aid in behalf of Masson College.

Of the Reverend A.H. Giroux and others, of the County of Terrebonne; praying that the meetings of the Municipal Council of the said County be held at the Village of Terrebonne instead of Ste. Thérèse.

Of the Mayor and Town Council of Bytown; praying for the removal of certain doubts relative to the late Municipal Elections for the said Town, and for power to collect the arrears of taxes for the year 1848.

Of the Very Reverend Angus MacDonell, President of the College of Regiopolis; praying for aid in support of the said College.

Of the Right Reverend the Bishop of Bytown; praying for aid in support of the College of Bytown.

Of the Reverend John McMorine, Moderator, and the Reverend W. Bain, Presbytery Clerk, in behalf of the Presbytery of Bathurst; praying for the abolition of labor in the Post Office Department on Sunday.

Of the Right Reverend the Roman Catholic Bishop of Montreal; praying for aid in behalf of a Deaf and Dumb Institution established at the City of Montreal.

Of Mrs. S.S. Wilkes and others, Office Bearers of the Montreal Protestant Orphan Asylum; praying aid for the said Institution.

Of Sister Jeanne de Chantal and other Sisters of Charity of Montreal; praying for aid on behalf of L'Hôspice de la Maternité de Montréal.

Of Joseph Jobin, of the City of Montreal; praying indemnification for the loss of his house destroyed by fire during the burning of the Parliament House in the said City.

Of Pierre Gamelin, Notary, of the Village of St. Johns, District of Montreal; praying the payment of a certain sum due him as District Clerk of the late Municipal District of St. Johns.

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Of M. Townsend and others, the Board of Directors of the Clarenceville Academy; praying for an increased aid in support of the said Institution.

Of the Reverend J. Nicholls, M.A., Principal, on behalf of the Council of Bishop's College at Lennoxville; praying for aid in support of the said College.

Of David Hoover and others, of Scugog Island; praying that the said Island be set apart as a new Township, and attached to the proposed new County.

Of Michael McDonagh and others, of the Township of Mara, County of York; praying for a reduction of Official Salaries, and of Judicial Expenses,--that the evils



of reserving public lands for the endowment of particular Churches be remedied,-- and for the general reform of abuses in public affairs.

Of Donald McKay and others, of Whitby and other Townships; praying for the formation of a new County out of the eastern part of the County of York.

Of the Committee of Ladies of the Protestant Female Orphan Asylum at Quebec; praying the usual aid in behalf of the said Institution.

Of the Ladies Committee of the Quebec Infant School; praying the usual aid in behalf of the said Institution.

Of the Directresses of the Charitable Association of the Roman Catholic Ladies of Quebec; praying for aid in support of the said Institution.

Of Donald Cameron, of Thorah; praying for the adoption of certain measures to obtain for him and his followers the issue of Deeds of Lands for which they have received Location Tickets.

Of Anne McDonnough, widow, of the City of Toronto; representing her destitution in consequence of the death of her husband by cold contracted while serving his country in 1837-8, and praying relief.

Of R. Stuart Woods and others, of the Towns of Sandwich and Windsor; praying the renewal of the Charter of the Niagara and Detroit Rivers Railroad Company, or that a new Charter be granted to the said Company.

Of Sister E. Bruyère and others, Nuns, on behalf of the Communauté des Révérendes Soeurs de la Charité de Bytown; praying for aid to enable them to support the Hospital for the care of the sick and orphans in the said Town.

Of the Right Reverend the Bishop of Bytown; praying for aid in behalf of the College of Bytown.

Of the Municipality of the Township of Bayham; praying that the said Township be united to the County of Oxford for Municipal, Judicial and Electoral purposes.

Of François Leboeuf and others, of the Parish of St. Timothée de Beauharnois; praying indemnification for damages sustained by them during the construction of the Beauharnois Canal, from the violence of the laborers thereon.

Of Lionel Ridout and others, of the Town of London; praying for the passing of an Act granting a Charter to the Niagara and Detroit Rivers Railroad Company.

Of Edward Whitney and others, of the Township of Plympton, County of Lambton; praying that a proposed application for shutting up a certain Road leading from Sarnia to the said Township be not granted.

Of Skeffington Connor, Esquire, and others; praying an Act of Incorporation as the Elgin Association for the social and moral improvement of the colored population of Canada.

Of V. Cleveland, of the Township of Barnston, County of Stanstead; praying for a grant of land or other aid in consideration of his advanced age, and the services rendered to his country during the last American War.

Of François Desaulnier, Esquire, and others, of the Parish of Yamachiche; praying for aid to enable them to build a Seminary for the education of Females in the said Parish.

Of Baltus Shewman and others, of the Township of Fredericksburgh; praying that no alteration be made in the survey of certain side lines in the said Township, as petitioned for.

Of N.C.W. Cannon, Elder, and others, colored inhabitants of the Township of Colchester, County of Essex; praying for an Act to incorporate the Wilberforce Lyceum Educating Society established in the said Township.

Of the Municipal Council of the County of Prince Edward; praying that no alteration be made in the present system of defraying the expenses of the Administration of Justice with reference to County Officers.

Of Alexander Douglass and others, of the Township of Bertie, County of Welland; praying for the passing of an Act granting a Charter to the Niagara and Detroit Rivers Railroad Company.

Of Robert Doan, of the Township of Crowland; praying indemnification for the loss of a house destroyed during the troubles of 1837.

Petition of T. Askew and others;  
Of J. Keeler and others;  
Of G. Poapst and others;  
Of Dr. Munro and others;  
Of A. & N. Silverthorn;  
Of N.F. Belleau and others;  
Of the Montreal Mining Company, referred.

Ordered, That the Petition of Thomas Askew and others, of the City of Kingston; the Petition of James Keeler, of the Township of Edwardsburgh, County of Grenville; the Petition of George Poapst and others, of the ninth concession of Cornwall; the Petition of Pierre A.C. Munro and others, Physicians and Surgeons, Professors of the School of Medicine, and others, of the City of Montreal; the Petition of Aaron Silverthorn and Newman Silverthorn, of the Township of Toronto; the Petition of N.F. Belleau and others, of the City and District of Quebec; and the Petition of the Montreal Mining Company, be referred to the Standing Committee on Standing Orders.

First Report of Committee on Standing Orders.

The Honorable Mr. Cameron of Kent, from the Standing Committee on Standing Orders, presented to the House the First Report of the said Committee; which was read, as followeth:--

Your Committee have examined the Petitions of Louis Comte, of Pierre Gauvreau and others, of the Guelph and Dundas Road Company, of the Municipal Council of the County of Waterloo, and of the Municipal Council of the United Counties of Wentworth and Halton; and they find that none of these Petitions are of such a nature as to require the publication of notice.

Leave of absence.

Ordered, That Mr. Nelson have leave to absent himself from this House for fifteen days, on urgent business.

Montreal Registry Bill.

Ordered, That the Honorable Mr. Attorney General LaFontaine have leave to bring in a Bill to extend the period limited for certain purposes in the Montreal Registry

Act.

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time, on Tuesday next.

Officers of Justice (L.C.) Salaries Bill.

Ordered, That the Honorable Mr. Attorney General LaFontaine have leave to bring in a Bill to assign fixed annual Salaries to certain Officers of Justice in Lower Canada, and to form a Special Fund out of the salaries, fees,

emoluments, and pecuniary profits attached to their Offices.

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time, on Tuesday next.

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On motion of the Honorable Mr. Hincks, seconded by the Honorable Mr. Merritt,

Public Income and Expenditure.

Ordered, That that part of the Speech of His Excellency the Governor General delivered at the opening of the present Session of Parliament, recommending an enquiry into the state of the Income and Expenditure of the Province be now read.

And the same was read accordingly.<sup>4</sup>

MR. INSP. GEN. HINCKS then, it being a government day, claimed precedence for the government measures, and moved<sup>5</sup> that in reference to that part of His Excellency's Speech at the opening of the Session which recommends an enquiry into the Revenue and Expenditure of the Province, it be Resolved,--That a Select Committee be appointed to enquire into the state of the Public Income and Expenditure of the Province, and to consider and report to the House what further regulations and



checks it may be proper, in their opinion, to adopt for establishing an effective control upon all charges incurred in the receipt, custody and application of the public money, and what further measures can be adopted for reducing any part of the public expenditure without detriment to the public service.

He commenced his remarks by referring to the course the Government had taken on this subject. He wished to do so now in consequence of what had been said in this House and by the press<sup>6</sup> misrepresenting the views of Government on the subject of retrenchment, when stating that any intentions the Administration might have of reducing the public expenditure, had been forced upon them by a strong expression of public sentiment.<sup>7</sup> He denied most positively that Ministers were opposed to retrenchment<sup>8</sup>. He would say however, that for many months this subject had occupied the attention of the Government; and previous to the last session of Parliament, his hon. friend for Lincoln had brought it up but admitted that with the business then before the Government it is not expedient to press it. Of course it could only be taken in during the session; but it was a question of the<sup>9</sup> very<sup>10</sup> deepest importance<sup>11</sup>, and should be undertaken deliberately.<sup>12</sup> Since last session the attention of the member for Lincoln (sic) had been engaged in an enquiry into our Finances, and he was possessed of a vast deal of valuable information, and would be able to render valuable service to the committee, should one be appointed by the House. After his return from England (Mr. H. said) the first time he met his colleagues before there was any public agitation upon the subject, and before the resignation of the hon. member for Kent, the question was brought under consideration and it was then suggested to apply for a committee as was now proposed. While in England, he (Mr. H.) had ascertained that<sup>13</sup> during the last sixty years<sup>14</sup> it was the uniform course to appoint committees<sup>15</sup> on different branches of the revenue,<sup>16</sup> and that all<sup>17</sup> great<sup>18</sup> economical reforms had been effected through those bodies; and hence it was deemed the most expedient and proper course for the Government to pursue in this Province.<sup>19</sup> He had brought it under the notice of his colleagues, and they entertained the subject favorably.<sup>20</sup> This was thought by gentlemen on the other side of the House to be an excuse on the part of the Government, and as exhibiting a desire to get rid of responsibility. He could only say, that on all occasions the ministers in England who moved for these committees, had been aided by the friends of economy in the House of Commons, who did not consider the course they were pursuing as an evasion, but as carrying out the measure in a manner most conducive to the public service.<sup>21</sup> The hon. member cited instances; and said that such committees in England were always considered a very great concession. The hon. member read from debate (sic) in the English House of Commons<sup>22</sup> an extract from a speech of Sir R. Peel when Secretary in 1828, to show that this mode of effecting financial reform was always pursued in England<sup>23</sup> because it referred to the action of successive ministers (sic) from 1780 down to 1823. In the former of these years a Committee on Finance was moved by Mr. Pitt; in 1796 Lord Colchester obtained a Committee over which he presided with the greatest credit; in 1807 the Marquis of Lansdown pursued a similar course, and in 1817 Lord Castlereagh obtained a Committee for a like object. It was a curious coincidence that a Committee had been moved for every ten years from 1786 to 1828, when a similar motion was made by Sir Robert Peel, being the fifth instance of the appointment of a Committee. A doubt was started by Mr. Hume as to whether one Committee would accomplish the object that was desired, who suggested that a number of Committees should be appointed; but the propriety of appointing Committees was never disputed. On the motion for a Committee in 1828, Lord John Russel (sic) said, the Government by that course would not get rid of responsibility. Now it must be obvious, he Mr. H. said, that after the Committee should have made their report, a high degree of responsibility was still attached to the government. Should the Committee make a report, which the Government might consider would impair the efficiency of the public service, and the House should sustain that report, the course of the Government should be obvious. If on the contrary, it was found to be such a report as could be acted upon, it would



then become their duty to carry ((it)) into effect. He Mr. H. would observe that some opposition was made in 1847 to the Committee which was then moved for, but this opposition hinged on an objection to a secret Committee. The government therefore abandoned it, although secrecy (sic) was never intended, but only that such evidence should be suppressed as might be considered detrimental to the public service. Mr. Hume thought if persons were placed on the committee, who were interested in the army and navy estimates, it could not be considered as being properly constituted. But Mr. Cobden did not concur in that objection; as other important items of public expenditure would come under the cognizance of the Committee. Having made these observations, and produced precedents in support of the course which the Government had pursued on the present occasion; he Mr. H. should make a few remarks with reference (sic) to statements that had been made, both in the House and out of doors, in allusion to a speech delivered to his constituents at Oxford.<sup>24</sup> Misrepresentation ... had been industriously circulated, with reference to a speech he made on that occasion; it had been incorrectly stated, that he was opposed to retrenchment, and<sup>25</sup> that any possible reduction in the expenditure of the country was but "a bagatelle".<sup>26</sup> All references to what called forth the remarks he then made was (sic) studiously omitted.<sup>27</sup> He explained that this observation was particular as to one branch, not general as to the whole.<sup>28</sup> The best proof that he had not expressed himself opposed to retrenchment, he said, would be found in the fact,<sup>29</sup> that he Mr. H. was addressing his constituents, who were<sup>30</sup> among the staunchest reformers in the Province, had subsequently given him proof that he still possessed their entire confidence.<sup>31</sup> Unless the circumstances which led to the remarks he then made were known, it would be impossible to judge of the incorrectness of the report of what he had said--or rather, what he did not say. He was referring, he said to the statements at that time made in the papers, and circulated among the people at large, and which were of the ... most absurd description; and was showing what was the actual government expenditure, and what saving might be effected. The entire expenditure of the Province, Mr. Hincks said is £450,000. Of this £182,000 is required to pay the interest of the public debt--39,00 is paid for schools--gentlemen were aware that £50,000 is set apart for that service. Then there is<sup>32</sup> 110,000<sup>33</sup> required for the penitentiary, light houses, lunatic asylums, various charitable grants, the agricultural societies, and one or two others which he enumerated and other appropriations, inclusive of the expences of the Legislature, with which the government had nothing to do, it being the exclusive prerogative of the house to regulate them a sum amounting with the items already referred to, altogether to £34,000. And he Mr. Hincks, would here remark, that if there was any branch of the public service, more than another upon which retrenchment could be effected, it was the contingent expenses of the Legislature. It would seem from the statement then made, that £110,000 remained, out of which to provide for other services than those to which he had referred. Of this sum, £12,830 are for pensions, many of which were granted for militia services rendered during the late war; but which had been gradually diminished since the union of the two Provinces.<sup>34</sup> It was to any reduction which might be made on this amount of £12,000 that he applied the term "a bagatelle;" and he did this in reference to<sup>35</sup> statements that had been made in the League, many of which were the most absurd that could be imagined<sup>36</sup> with respect to the salaries of officials, which had been put forth by the British American League, and other parties who had little if any knowledge of what they were talking about.<sup>37</sup> He said if there was any branch of the public expenditure which could be retrenched it was in the contingent expenses of the two Houses. (Hear.)<sup>38</sup> There were pensions granted, however, Mr. H. said, before that event, which no person knew.<sup>39</sup> The abolition of pensions was a very good cry at elections, but none had been granted for the last fifteen or twenty years; the pensioners were gradually dying off; and he would not envy the honesty of any man who would desire to violate the patents by which those pensions were granted, and<sup>40</sup> where the faith of the crown had been pledged,<sup>41</sup> deprive the recipients of what they had for the last twenty years rightfully enjoyed.<sup>42</sup> He trusted such a proceeding would not be

thought of.<sup>43</sup> He admitted that many of the pensions had been lavishly and unjustly granted and that such a wanton system as that under which they were granted could never exist again in this country; but every principle of justice was against their revocation.<sup>44</sup> All that could be done, was to introduce a better system for the future; but they must not violate the public faith, which had been pledged in this instance. The expense attending the administration of public justice, he continued, divided itself into two branches; the salaries of the judges and cost of court houses and jails. Whether it were desirable to pay for the latter out of the consolidated fund, or by local assessment, it was not for him to determine at that time. But when the subject had been pointed out to his constituents, he found them opposed to local taxation. The hon. gentleman concluded by stating, that while the annual income of the Province is £45,000, the expenses of the government are only £32,000 some odd hundreds, including postage and stationary (sic); which gentlemen opposite had estimated at three or four thousand pounds. In that account, however, is not included the expense of collecting the revenue by the custom house department. He should not do any thing more than express an opinion; but was prepared to prove that the expenses of government are, comparatively less in this Province than they are in the United States; whereas the statements made as to the enormous expenses of the provincial government, when compared with that of the neighbouring republic, had been made the grounds for desiring a change in the constitution of the country. He Mr. H. had never expressed himself as being opposed to retrenchment; but on the contrary, any saving that could be effected, consistent with the efficiency of the public service, should have his strenuous support. Having made these observations, he said, he should move the following Resolution for the appointment of a Select Committee, to enquire into the revenue and expenditure of the Province, with a view to effect such saving as might be practicable.<sup>45</sup>

MR. H. BOULTON did not object to the appointment of a Committee, provided they were determined to perform their duty.<sup>46</sup> ((He)) thought the appointment of a committee might be attended with beneficial results. There was one observation of the Inspector General, however, which he thought was unfortunate. He (Mr. H.) had said, that if the report of the committee was such as could be carried into effect without detriment to the public service, the government would feel bound to carry it out. But if the report should, on the contrary, be such as the government did not approve of, the course of the administration would be obvious. From which he inferred, that if the committee did not entertain the same views as the ministry on the subject of retrenchment, then they would resign.<sup>47</sup>

MR. INSP. GEN. HINCKS wished to explain.<sup>48</sup> The hon. gentleman totally misunderstood him.<sup>49</sup> If the committee should recommend, such measures, as the government<sup>50</sup>, on full consideration<sup>51</sup>, thought could not be carried out with a due regard ((for)) the public service; under such circumstances, as he before had said, the course of the members of the government would be obvious. No government would consent to be bound by the report of a committee.<sup>52</sup>

MR. H. BOULTON thought it wrong that the Government should, as it was evident they had come to a foregone conclusion, and if the committee did not report in consonance with their (the ministers) foregone conclusion, the report of the committee would be so much waste paper. He thought this was at once placing themselves antagonistic to a party in the House and to a party in the country.<sup>53</sup> The question was not whether the government, as an independent body, thought a particular amount sufficient for the public service, but what the House and the country think of the matter.<sup>54</sup> No doubt, if the committee should report in favour of a large retrenchment, the members of the Administration would<sup>55</sup> take that course which any other servants, public or private, would take.<sup>56</sup> But such an intimation should not have been given before the ... committee had been appointed. If the committee were to report in accordance with the wishes of the government the result of their investigation would be a failure. He (Mr. B.) agreed with the Inspector General, and



thought no retrenchment should be recommended which would impair the efficiency of the public service. The remark to which he (Mr. B.) alluded, implied an antagonism between the government and the House and the country. He wished it to be distinctly understood that he would not be the advocate of any system of retrenchment, which would impair the efficiency of the public service.<sup>57</sup> It was not, however, for the Government to dictate to this House or the Country, what funds they should grant, but he thought it was for the House and the Country to say how much they could afford.<sup>58</sup> With respect to pensions, he did not agree with the hon. Inspector General in his remarks; and<sup>59</sup> he would not concur with any other proposition than this:--<sup>60</sup> There were persons who were receiving pensions who left some office many years ago because their services were no longer required, who were hale persons, and who had afterwards had new offices conferred on them, and were now in the receipt of very large salaries.--In these cases he thought the pensions ought not to be continued.<sup>61</sup> There were numerous instances in England not among the higher orders however, were (sic) persons so situated were brought into the public service; but he never understood that their pensions were continued, and he thought (sic) where pensioners were appointed to public situations, it should be with the understanding that they were to relinquish their pensions.<sup>62</sup> The Hon. Gentleman thought there were cases of this kind mentioned in the petition from Halton.<sup>63</sup>

MR. AT. GEN. BALDWIN could scarcely imagine how the hon. member could put such a construction as he did on the language of the Inspector General.<sup>64</sup> ((He)) thought it impossible to put other than one construction on the remarks of his friend, the Inspector General. The learned member for Norfolk, Mr. Boulton, would recollect that the objection brought against the members of the Government was, that by appointing a committee, such as had been moved for, they wished to relieve themselves of all responsibility.<sup>65</sup> That statement, he said, was precisely the same as a reply Lord John Russell had made under simi((lar)) circumstances.<sup>66</sup> He (Mr. B.) read from a speech<sup>67</sup>. (Lord John) had said that the House could determine to cut down the army estimates by a very large amount, but if the government had not the means of carrying on the government<sup>68</sup> the only remedy would be to abdicate power; and the learned member would himself admit, that they could not carry on the government of the Province without adequate means. With regard to the remarks which he (Mr. Boulton) had made, relative to the pension list, that subject would more properly come under consideration hereafter. If a person in the receipt of a pension were appointed to an office of emolument, he Mr. B. would maintain that he should resign. The object of granting a pension was to prevent a man who had spent his best days in the service of his country, from afterwards falling into absolute want; and when a person so situated was appointed to an office which would yield him support, he should resign his pension. Upon that subject he did not disagree with the learned member for Norfolk.<sup>69</sup>

The motion was then put and carried unanimously.<sup>70</sup>

MR. INSP. GEN. HINCKS then moved the appointment of the committee, in which he had endeavoured to include the names of men of all parties, who had taken any prominent part relating to the finances of the country.<sup>71</sup> Their names are as follows: Messrs. Hincks, Merritt, Sherwood of Toronto, Cayley, Badgley, Viger, Cameron of Kent, Boulton of Norfolk, Papineau, Macdonald of Glengary, Wilson, Gagy, Bouthillier, Christie, Holmes, Hopkins, Polette, Richards, Cartier, Morrison, and Cauchon; and that seven be a Quorum, with power to report from time to time.<sup>72</sup>

MR. W. BOULTON (Toronto) hoped the course of the English Government would be more closely followed than by the adoption of the proposed committee.<sup>73</sup> The hon. member should have moved a different kind of Committee<sup>74</sup>. Of the twenty-one names proposed by the Inspector General there were eight ministers and ex-ministers. How was it to be expected that such a committee would propose the reduction of official salaries?<sup>75</sup> What chance ((had)) the country ... of any extensive and practical retrenchment. He trusted the resolution would be modified by striking out the names



of part of the eight members referred to; or otherwise the inquiry would be a perfect farce the majority of the Committee, as at present proposed, would undoubtedly concur with the government in their views.<sup>76</sup> He then read the names of the committee appointed by Lord John Russell. He considered the members of the late Government very much in the same position as that of the present.<sup>77</sup>

MR. INSP. GEN. HINCKS said, if the reduction of salaries was the only branch of retrenchment to be inquired into, he feared retrenchment would indeed be "a bagatelle," and it was to this branch alone that the hon. member's objection could by any possibility apply.<sup>78</sup> It could not be said that the government were very strongly represented when there were only three members of the Administration in a Committee of twenty-one. As well might the learned member for Norfolk object to persons being on that Committee, who might probably succeed those in power; but it would ((be)) hard to determine who are to be their successors, or who was to succeed him Mr. H. as Inspector General, perhaps the learned member himself.<sup>79</sup> There was the hon. member for Norfolk on it, who might have to form a Government, in less than five months, (laughter). There was Mr. Hopkins who was to be the leader of the Clear Grit party.<sup>80</sup> But those gentlemen who had retired from the government he Mr. B. also objected to. Those who were about to succeed to power might (sic) be charged with a desire to increase their salaries, but no such paltry consideration would apply to the others. The Inspector General here referred to the names of members of the House of Commons, who were chosen to form a part of a Committee of Finance,<sup>81</sup> appointed by Sir Robert Peel in 1838<sup>82</sup>, and stated that there was a larger proportion of it composed of persons who were or had been in official life, than there were on his (Mr. H.) committee.<sup>83</sup> Of the eight members alluded to by the learned member for Norfolk, the hon. member for Kent, Mr. Cameron the great leader of the retrenchment movement, was one of the proposed Committee; which would certainly not report the less favourable on that account.<sup>84</sup> He thought the hon. member had made an aspersion on the gentlemen who composed the committee by supposing that they would be actuated by personal motives.<sup>85</sup>

MR. W. BOULTON (Toronto) made a few remarks in explanation, denying that he meant any insinuations against the committee.<sup>86</sup> ((He)) did not mean to say that the gentlemen would not do their duty, but he thought there should be other names on the committee.<sup>87</sup> He thought it was unfortunate that so many gentlemen who had been in the receipt of large salaries had been selected. He was surprised to see the government appealing to the acts of conservative administrations. Why didn't they follow the example of the present liberal government in England, whose principles they pretended to hold?<sup>88</sup>

MR. MORIN the SPEAKER informed the hon. gentleman that he had spoken before<sup>89</sup>.

The hon. gentleman, MR. W. BOULTON, sat down.<sup>90</sup>

(38)

*Resolved, That a Special Committee be appointed to enquire into the state of the Public Income and Expenditure of this Province, and to consider and report to this House what further regulations and checks it may be proper, in their opinion, to adopt for establishing an effective control upon all charges incurred in the receipt, custody and application of the public money, and what further measures can be adopted for reducing any part of the Public Expenditure, without detriment to the public service; to report thereon from time to time, with power to send for persons, papers, and records.*

*Ordered, That the Honorable Mr. Hincks, the Honorable Mr. Merritt, the Honorable Mr. Sherwood, the Honorable Mr. Cayley, the Honorable Mr. Badgley, the Honorable Mr. Viger, the Honorable Mr. Cameron of Kent, the Honorable Mr. Boulton, the Honorable Mr. Papineau, Mr. Solicitor General Macdonald, Mr. Wilson, Mr. Gagy, Mr. Bouthillier, Mr. Christie, Mr. Holmes, Mr. Hopkins, Mr. Polette, Mr. Richards, Mr. Cartier, Mr. Morrison, and Mr. Cauchon, do compose the said Committee.*

Ordered, That seven Members be the Quorum of the said Committee.

On motion of the Honorable Mr. Attorney General Baldwin, seconded by the Honorable Mr. Hincks,

Portuguese  
Consul at  
Montreal.

Resolved, That an humble Address be presented to His Excellency the Governor General, humbly praying His Excellency that he will be pleased to direct to be laid before this House, copies of any Correspondence that may have passed between His Excellency and Her Majesty's Principal Secretary of State for the Colonies, in relation to the proposed appointment of Mr. J.G. Mackenzie as Portuguese Consul at Montreal.

Ordered, That the said Address be presented to His Excellency the Governor General, by such Members of this House as are of the Honorable the Executive Council of this Province.

Division  
Courts (U.C.)  
Bill (No.2.)

Ordered, That Mr. Solicitor General Macdonald have leave to bring in a Bill to amend and consolidate the several Acts now in force regulating the practice of Division Courts in Upper Canada, and to extend the Jurisdiction thereof.

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time, on Tuesday, the eleventh of June next.

On motion of the Honorable Mr. LaTerrière, seconded by Mr. Fournier,

School of  
Navigation.

Ordered, That the Entry in the Journal of this House, of the 22nd March, 1849, relating to the Report of the Select Committee appointed to enquire into the expediency of establishing a Provincial School of Navigation at Quebec, be now read.  
And the same was read accordingly.

MR. INSP. GEN. HINCKS requested Mr. Laterrière to postpone the motion he had offered, till the government had time to consider it.<sup>91</sup>

DR. LATERRIERE spoke in French as we understood rather tartly, but he was induced to defer his motion.<sup>92</sup>

(38)  
Agriculture  
(L.C.)  
Resolved, That a Select Committee, composed of Mr. Taché, Mr. Duchesnay, Mr. Fourquin, Mr. McConnell, Mr. Egan, Mr. Bouthillier, and Mr. Armstrong, be appointed to enquire into the state of Agriculture in Lower Canada, the means of improving it, and of facilitating the settlement of the wild Lands, and to report thereon with all convenient speed; with power to send for persons, papers, and records.

Coroners' Bill. Ordered, That the Honorable Mr. Cameron of Cornwall have leave to bring in a Bill to amend the Law respecting the office of Coroner.

He accordingly presented the said Bill to the House,<sup>93</sup>

MR. J. CAMERON (Cornwall) introduced a Bill to<sup>94</sup> make better provision for holding and regulating Coroners' Inquests.<sup>95</sup> He said that the object of his bill was to prevent a great deal of inconvenience which occurs under the present system, whenever a death takes place through accident or mischance. In England, where the law is well understood, the coroner never interferes, except when he has reason to believe that suspicious circumstances have attended a death; but here it is customary for a number of strangers to introduce themselves on the family of the deceased person, although there may have been no cause to induce a belief that death was produced by wilful violence. He, therefore, proposed that the coroner should in no case call an inquest, except some person made affidavit that suspicious circum-



stances attended death. He also proposed that the coroner should have the power of fining jurors or witnesses, who neglected to attend after being regularly served with a subpoena. The fine in no case to exceed twenty shillings. He also proposed to extend to coroner's courts, the same powers that are in possession of other courts, that a mere error as to technical forms shall not be sufficient to render the proceedings null. With respect to the payment of witnesses, he proposed that medical men who were called on to examine a body, should be remunerated, at a rate proportioned to the duties performed by them; and that the charges should be defrayed from the county revenue of the place where the inquest was held. He was of opinion that it was only just to give them some remuneration, as they were not placed in the same position as other witnesses summoned before a criminal court, and were frequently obliged to leave their regular practice and their families and go several miles to perform the duty required of them.<sup>96</sup> He would extend the provision to Lower Canada if desired.<sup>97</sup>

MR. CHRISTIE ... said that the inconveniences felt in Upper Canada, under the existing law, were also suffered in Lower Canada<sup>98</sup>.

The bill was amended so as to extend the licensing system to the entire Province.<sup>99</sup>

(38)

*and the same was received and read for the first time; and ordered to be read a second time, on Thursday next.*

Shipping of  
Seamen Bill.

Ordered, That Mr. Méthot have leave to bring in a Bill to repeal the Act for regulating the shipping of Seamen, and for other purposes therein mentioned.

*He accordingly presented the said Bill to the House,*

MR. CHRISTIE stated that the repeal would be injurious to the commerce of Quebec, and gave notice that he would oppose it in all its stages.<sup>100</sup>

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*and the same was received and read for the first time; and ordered to be read a second time, on Monday, the tenth of June next.*

MR. M. CAMERON<sup>101</sup> of Kent, moved a Select Committee be appointed on the subject of Temperance, the means of suppressing intemperance, and counteracting the evil effects of the present system of licensing.<sup>102</sup>

MR. INSP. GEN. HINCKS said that the House was of course aware that at present the funds arising from Tavern Licenses do not form a part of the general Revenue, but are handed over to the several Municipalities; and the Government had it in contemplation to make an important change, by conferring more extensive powers on the different municipal bodies, that they at present possess as to the power of granting licenses. He therefore hoped that the Committee would act as speedily as possible, in order that the Government might profit by their suggestions.<sup>103</sup>

MR. M. CAMERON said the course adopted by the government was just the one the friends of temperance wished.<sup>104</sup> He was well aware that at present the public mind is not prepared to see the Licensing Law abolished and he only wished to see powers conferred on the Municipalities to arrange these matters as they thought best within their own districts.<sup>105</sup>

The motion was then passed.<sup>106</sup>

(38)

Temperance.

Resolved, That a Select Committee, composed of the Honorable Mr. Cameron of Kent, Mr. Jobin, Mr. Smith of Wentworth, Mr. Davignon, Mr. McFarland, Mr. Taché, Mr. Bouthillier, Mr. Gagy, Mr. DeWitt, Mr. Notman, Mr. Mongenais, Mr. Flint, Mr. Cauchon, and Mr. Bell, be appointed on the subject of Temperance, the means of suppressing intemperance, and counteracting the evil effects of the present system of licensing, to report thereon by Bill or otherwise; with power to send for persons, papers, and records.



MR. M. CAMERON<sup>107</sup> moved for an address<sup>108</sup> to His Excellency, for copies of all correspondence that may have taken place between any member of the Government and the Chief Superintendent of Education in Upper Canada, on the subject of the School bill, or on the subject of Education generally, or between any member of the Government and ((any)) other person in the country on the same subject, of an official character.<sup>109</sup> He explained that it was correspondence relative to the school bill that he principally desired.<sup>110</sup>

MR. INSP. GEN. HINCKS objected to the terms of the motion as far too general, and calculated to call forth private correspondence, to which the hon. member was not entitled.<sup>111</sup> He did not think the hon. member wanted that.<sup>112</sup> As to his own correspond'ce (sic) with different parties throughout the country on the subject of this Bill--that most certainly would not be produced, as it was not of an official character. No person had a right to demand him to publish his private correspondence, and if that were what the hon. member required, he would not consent to its production.<sup>113</sup> It was absurd to ask for private correspondence because it happened to be received by a minister.<sup>114</sup>

MR. M. CAMERON said the motion might be extraordinary, but the whole proceedings with regard to the school bill were still more extraordinary. He went on to explain the circumstances connected with the introduction of the bill of last Session<sup>115</sup>. It was his misfortune last session to have had the charge of a School Bill<sup>116</sup> passed last Session. He did not pretend to be very well qualified for the task, but had taken great pains to ascertain the feelings of the people, and for that purpose had corresponded with his friends throughout the Province. After he had withdrawn from the Government, the "organ"<sup>117</sup> the Globe<sup>118</sup> called it his Bill, as though it had not been a government measure, and a letter appeared in all the papers, directing the people to pay no attention to it, so that by an exercise of arbitrary authority by one man<sup>119</sup> by the fiat of the Superintendent of Education, a bill which was passed by both Houses of Parliament, and sanctioned by the Governor, was denied from going into operation. A law exists, and the will of one man totally sets it aside.<sup>120</sup> And yet he believed, judging from the tone of public meetings, that it was generally approved of and that a great deal of displeasure was felt because it had not gone into operation. With respect to the correspondence being private, he said he had no idea that was the case as he had met with Superintendents of Education in different parts of the country, who informed him that<sup>121</sup> the Inspector General had corresponded, by circular, with all the Superintendents of Schools, asking information of the working of the Bill, and of their views on the matter. These circulars had been sent by him (Mr. Hincks) as a member of the Government, and<sup>122</sup> they had written ((replies)) to the Inspector General on the subject<sup>123</sup> which he refused to produce, saying, forsooth, it was private correspondence.<sup>124</sup> The House was entitled to the correspondence, which had taken place with a view of getting information on which to base an alteration of the law.<sup>125</sup> He hoped the House would have independence enough to compel its production.<sup>126</sup>

MR. J. CAMERON (Cornwall) said that the House had no right to demand the private correspondence of the Inspector General, and he was quite sure that no one would demand it; but he would like to know if there was no official correspondence between the Government and the Superintendent of Education<sup>127</sup>, who was a public officer? He contended that the correspondence on which the Government acted in stopping the operation of the Bill of last session was public and the House was entitled to it<sup>128</sup> in order to ascertain the causes which had prevented the Act of last Session from going into operation.<sup>129</sup>

MR. INSP. GEN. HINCKS said, that if the hon. gentleman would refer to the motion, he would find that it<sup>130</sup> expressly<sup>131</sup> excluded the very correspondence of which he spoke. The demand it made was exclusively for private correspondence,<sup>132</sup> if the hon. member for Kent would move for that, he would at once accede to it ....<sup>133</sup> Was it to be supposed that because he was a member of the Cabinet, he had not the right accorded to every other member of the House, to correspond with his friends before bringing in a Bill.<sup>134</sup>

MR. M. CAMERON asked if the hon. gentleman did not send circulars round the country to the District Superintendants.<sup>135</sup>

MR. INSP. GEN. HINCKS did not send any official circulars to any one. He had certainly written to some of the District Superintendants, as he had done to other parties, but it was not officially, but for his own information in drawing up the bill he intended to submit to the House. The hon. gentleman had himself said, that he had corresponded largely<sup>136</sup> with people in all sections of the country<sup>137</sup> previous to his bringing in his School Bill last session--had the hon. gentleman communicated that correspondence to any member of the Cabinet; or had he deposited it in the archives of the government, in order that it might be laid on the table of the House? Certainly not! The hon. member had looked on it as a private correspondence, which no person had a right to call for, and he would like to know if he (Mr. H.) did not stand precisely in the same position?<sup>138</sup> Mr. Hincks' correspondence ... by departmental rules was not placed on the records of such departments, was not official and it was out of the power of the House to order its production. What would the hon. member for Kent say if he wished him to produce his correspondence on the subject. The motion was simply absurd.<sup>139</sup> With reference to what the hon. gentleman had said about the "Globe" newspaper, he believed he was under a mistake (sic), for he (Mr. H.) had a pretty good recollection of the remarks it made on the school bill, and he believed that no attempt was made to hold Mr. Cameron individually responsible for it; for his own part he was not disposed to shirk any share of the responsibility, but at the same time, he would confess his opinion that the bill had been passed with too much haste, and consequently without sufficient consideration. Respecting what had been said<sup>140</sup> that the Superintendent of Education had violated the law, or restrained the operation of the School Bill to any greater extent than the law allowed<sup>141</sup>, he thought it would be found that he had done nothing of the kind, but had only advised the people in his circular, to take such steps as were consistent with law, and he must say that he dissented altogether from the hon. member for Kent as to its popularity. He had taken every means to obtain information as to the feelings of the people, and the opinion they had respecting it, and he was convinced that it was very unfortunate that the Superintendent had not been consulted previous to the introduction of the Act. He was well aware that<sup>142</sup> there might be some severe prejudice against the Rev. gentleman who filled that office,<sup>143</sup> but, nevertheless, he considered it the duty of the government to consult him as long as he occupied his present position, and he had no hesitation in saying that he felt himself deeply indebted to him, for the information he (Mr. H.) had received on this subject<sup>144</sup> in drafting the new bill.<sup>145</sup>

MR. J. SCOTT (Bytown) would like to know the nature of the correspondence the Inspector General had received on the School Bill.<sup>146</sup> ((He)) asked Mr. Hincks if he had had any correspondence with the Superintendent of Carlton.<sup>147</sup> He did not see that the correspondence on that subject should be private.<sup>148</sup> He had himself a pile of correspondence on the subject.<sup>149</sup>

MR. INSP. GEN. HINCKS could not recollect.<sup>150</sup>

MR. J. SCOTT contended that the correspondence with the Superintendent, if it influenced the Government in drawing up the bill was of an official character and ought to be produced.<sup>151</sup> He was well known to be an out-and-out supporter of the Administration, but he would say on this occasion, that the greatest degree of annoyance was felt in his part of the country, because the Act of last session was not carried out. He had whole files of letters respecting it in his desk, and he would insist on the production of all the correspondence in the possession of the government.<sup>152</sup>

MR. INSP. GEN. HINCKS asked the hon. gentleman who had just spoken, if it were his intention to produce the files of letters that he spoke of. It was most extraordinary that he (Mr. H.) was not to enjoy the right of corresponding with his friends or constituents, which that hon. gentleman claimed for himself, without being required to produce it for public perusal.<sup>153</sup> ((He)) again drew the distinction be-



tween private and official correspondence.—Officially it was not in his department to correspond on the subject at all. If any gentleman desired to see any of the letters he had received they were welcome to do so; there was nothing to conceal. His objection was simply to resist the precedent of allowing any letters which men in office pleased to write to parties asking for information on subjects on which they desired to form an opinion, to be considered as public documents, and their production ordered by the House.<sup>154</sup> He had no objection to give any official correspondence.<sup>155</sup>

MR. J. SCOTT repeated his argument.<sup>156</sup>

MR. H. SHERWOOD (Toronto) said the motion had to meet the objection urged with so much propriety by the Inspector General. He suggested that Mr. Cameron should put the word official in his motion before correspondence.<sup>157</sup> It would meet all difficulty.<sup>158</sup>

MR. AT. GEN. BALDWIN said that it was not in the power of the Inspector General to give up private correspondence which he had received.<sup>159</sup> The correspondence had by the Inspector General with the Superintendants did not come within the terms of official correspondence.<sup>160</sup>

MR. CAMERON thought the mode in which the correspondence had been carried on was improper, it should have been through the Superintendent, and then the House could have obtained it and got possession of the views of the parties from which the information had been asked.<sup>161</sup>

MR. G. SHERWOOD (Brockville) was not surprised that the School Bill should have been found defective, when he remembered the railroad speed in which bills were tumbled through the house.<sup>162</sup>

MR. M. CAMERON (Kent) ... amended his motion so as to demand only the official correspondence between the government and the Superintendent of Education<sup>163</sup>.

It was assented to by MR. INSP. GEN. HINCKS<sup>164</sup>.

It passed unanimously.<sup>165</sup>

(38)

*On motion of the Honorable Mr. Cameron of Kent, seconded by Mr. Holmes,*

*School Bill and Education. Resolved, That an humble Address be presented to His Excellency the Governor General, praying him to cause to be laid before this House, copies of all Correspondence that may have taken place between any Member of the Government and the Chief Superintendent of Education in Upper Canada, on the subject of the School Bill, or on the subject of Education generally, or between any Member of the Government and other persons in the Country, on the same subject, of an official character.*

*Ordered, That the said Address be presented to His Excellency the Governor General, by such Members of this House as are of the Honorable the Executive Council of this Province.*

*Silver Coins Bill.*

*The Order of the day for the second reading of the Bill to alter the rate at which certain Silver Coins shall be a legal tender, being read;<sup>166</sup>*

MR. INSP. GEN. HINCKS moved the second reading of the Bill to alter the current value of certain foreign coins. He said the provisions of this bill were intended to protect the holders of small Spanish coins, which had been affected by a recent law passed in the United States. It was desirable to place these coins on the same value and footing as they were there, and he hoped the bill might be allowed to pass in its present state.<sup>167</sup> In reply to a question put by Mr. Boulton on a previous night he said the Government did not propose any mode of compensating the holders of these coins<sup>168</sup> at present in circulation, the value of which he proposed to de-



preciate. He said that in this case that we would have<sup>169</sup> all the small coins in the United States.<sup>170</sup>

MR. DEWITT said,--Under the present circumstances of the Province, this Bill was very necessary, and<sup>171</sup> should be passed immediately.<sup>172</sup> ((He)) also enquired whether there was any intention to regulate the intrinsic value of the English shilling now current at fifteen pence, the legal value of which was only 14½d.<sup>173</sup> The hon. member was not distinctly heard, but he was understood to say that he thought English shillings and sixpences should be included in the bill.<sup>174</sup>

MR. INSP. GEN. HINCKS, in reply, said--That he did not think it requisite to interfere with the conventional value of the British shilling<sup>175</sup> and sixpences, which formed a very large portion of the currency of the country.<sup>176</sup> ((He)) did not believe that they were a legal tender for the amount they passed for; but he did not see how the conventional value of these could be reduced.<sup>177</sup>

MR. PAPINEAU asked the Inspector General if the bill in the United States was adopted, or only in contemplation?<sup>178</sup>

MR. INSP. GEN. HINCKS said it had passed.<sup>179</sup>

MR. PAPINEAU said if the bill was passed in the United States it was necessary to pass a law here, but it would be desirable to have a copy of the bill. He thought the whole silver coin of the country should be taken into consideration, as its defects were very injurious. As it was not proposed to alter the value of the dollar or half dollar, why should the alteration bear on the lower value?<sup>180</sup>

MR. INSP. GEN. HINCKS had no objection to postpone the consideration of the measure<sup>181</sup> a few days to see if he could get the act of Congress.<sup>182</sup> He had not been able to obtain a copy of the American bill.<sup>183</sup> He said that it was only the smaller denominations of Spanish coins that it was proposed to depreciate the value of.<sup>184</sup> The reason for proposing to alter the value of these coins was that they had been much worn, and were not now of the value they passed for.<sup>185</sup>

DR. LATERRIERE said a few words.<sup>186</sup>

MR. HOLMES would sincerely urge the Hon. Inspector General to go on with his bill<sup>187</sup> in order to provide against the probability of more of these deteriorated coins obtaining circulation throughout the Province.<sup>188</sup> All Spanish coins of a quarter dollar and lower denominations were<sup>189</sup> of very ancient date and much worn<sup>190</sup> and decreased in weight.<sup>191</sup> We do not want these coins at any rate--the British shillings supplied their places.<sup>192</sup> The Spanish dollars were of the very best quality. At the American mint the same nominal value in their coins is given for them. The rates proposed in the bill he believed were the same as those fixed by the American bill, and he hoped the measure would now be proceeded with.<sup>193</sup> He thought that if the bill were deferred we should have the same game played upon us as was done before with the French-half crowns. To his certain knowledge after they had been cried down in the United States, within fifteen days £150,000 of them was (sic) brought into this Province, and this in consequence of our being too late. He did not wish that we should be so again.<sup>194</sup>

MR. METHOT agreed with Mr. Holmes in opinion and would also urge the immediate passage of the Hon. Inspector General's Bill.<sup>195</sup>

(38)

*The Bill was accordingly read a second time; and ordered to be engrossed.*

Reciprocal  
Free Trade  
Bill.

*The Order of the day for the second reading of the Bill to facilitate reciprocal Free Trade between this Province and the other British Provinces in North America, being read;*<sup>196</sup>

MR. INSP. GEN. HINCKS moved that the bill to facilitate Free Trade between the British North American Provinces be read a second time. He briefly explained

that the nature of the bill was to enable the Government to declare from time to time what articles should be made the subject of Free Trade.<sup>197</sup> The bill was the same in principle as that passed last Session and merely extended the principle to other articles.<sup>198</sup> He said it was drawn up exactly in accordance with similar bills which had been adopted by New Brunswick, Prince Edward's (sic) Island, and, with a single exception, Nova Scotia; and did not contemplate the admission of any articles to which he thought there could be any objection.<sup>199</sup>

MR. CAMERON asked if the Government had held any correspondence with the Nova Scotian authorities.<sup>200</sup>

MR. INSP. GEN. HINCKS said that a communication had been received from the Secretary of that Province,<sup>201</sup> on the subject<sup>202</sup>, informing the Government that a duty of one shilling per barrel on Canadian flour was to be imposed for the purposes of Revenue, and expressing a hope that it would not be unsatisfactory. As a matter of course he could only say that such an arrangement was entirely unsatisfactory<sup>203</sup>, and the effect of the remonstrance of the Canadian Government was not yet known.<sup>204</sup>

(38)

*The Bill was accordingly read a second time; and ordered to be engrossed.*

Law Prac-  
tice Bill.

*The Order of the day for the second reading of the Bill to alter, simplify and amend the Practice of the Law, and to diminish Law Expenses, being read;*

*The Honorable Mr. Boulton moved, seconded by Mr. Hopkins, and the Question being put, That the Bill be now read a second time;*<sup>205</sup>

MR. H. BOULTON (Norfolk) in moving the second reading of his Bill to simplify the practice of the Law and to diminish Law expenses craved the indulgence of the House, on account of a severe cold he was labouring under, which might prevent his doing that justice to the subject which it deserved. The subject was one of deep importance, and the measure which he was about to bring under the notice of the House, was one involving such very large and sweeping changes, not in the law, but in the machinery by which facts upon which the decision of the various Courts was invoked, was brought to the knowledge of the Judges; that he fully anticipated a combined opposition from those parties who were interested in the abuses he desired to sweep away as well as those whose education and daily habits led them to view every change with suspicion, their own minds being warped and prejudiced by constantly toiling within the circumscribed sphere of mere technical routine. Before entering into the various provisions of the Bill, he would observe that he had practised for many years under the old system of pleading, as well as under the new rules, and he had no doubt but the introduction of the new rules, contrary to the expectation of most of those who were disposed to try the experiment, had led to a more intricate and abstruse system of pleading, and consequently had increased indirectly the costs which they were intended to diminish.--Philosophically the system was plausible(sic), though to sound, but practically it was bad in every respect. The object was to induce parties by statements and counter statements, gradually to draw out the real point in dispute, and fix the attention of the Court, and invoke their decision upon some one or more specific allegations upon which the parties could not agree. A more practical knowledge of professional habits, would, one would think, have satisfied any man not determined to hope against hope, that such would not have practically been the result, and experience has shown that the expectation was fallacious, and although the system was far more likely to succeed in England, where the Profession is divided into so many different branches, than it is here where each man, with few exceptions, is Attorney, Solicitor, Counsel and all, and as Attorney, asks advice of himself, as Counsel, what Counts he should put into his Declaration, or what Pleas he should put, in answer.--In England, the advice of the pleader or counsel operates as a check upon perhaps the sinister disposition of the mere attorney to enhance costs, and is less likely to advise false pleas for any reason, especially as his character as a pleader is pledged for the correctness of



his opinion, which, being in writing, cannot be gainsaid on any future occasion, when the soundness of his advice may be called in question. Yet in England the public mind is now quite alive to the evils attending upon special pleading, and strong efforts are being made by the London Press to call up such an agitation in Parliament as shall bring out patriotic and independent men to unite and put down the evil; and I doubt not great progress will be made this session in the British Parliament in the right direction. Having made these preliminary observations, I shall address myself to the various provisions in their order. In the first place, I propose to abolish all mesne process, which will save the expense of the writ, and all its attendant costs for copies, attendances, sheriff's fees for service, &c. &c., which in each case upon an average costs \$7,--to inform the defendant of the pleasing fact that he is sued. Beyond that he gains no information as to the why or the wherefore, as to which he must be kept in suspense until he is at an equal, and perhaps greater expense, if he has not employed an attorney to appear for him, served with the Declaration, which, if he be a plain man, and knows nothing of legal proceedings, seldom affords him much more information than the writ. Now, Sir, his bill proposes to abolish the writ altogether, and make the slightly more intelligible document, the Declaration, the commencement of the suit; to which I propose that he shall have one months time to plead, to enable him to go to a lawyer, which he must do, if he means to defend himself, and ascertain what this declaration means. Under these provisions, the defendant is relieved from the expense of filing a separate (sic) paper called an Appearance, at a cost of several shillings, and his plea is declared to be an Appearance, as well as Plea.--When the defendant has pleaded to the Declaration, and the parties what is technically called at Issue, then I propose that either party may require his adversary to appear before a judge having jurisdiction in the matter where each may be interrogated as to the facts which constitute the real bona fide matter in dispute. The parties if thought proper by the judge may be even examined on oath if either should deny his adversary's statements--this being done the judge is to certify the facts which both parties have acknowledged to be true, and thus the trial at the Assizes will be confined to the determination of such facts as the litigants respectively assert and deny, which would shorten jury trials, save expenses of witnesses, render the concatenation of facts to be determined by the jury, much less complicated and their duty much more simple and less difficult. By the 7th Section I propose to require the suppression of all useless, formal and unnecessary words, not tending to elucidate the subject. The next clause proposes to make the most sweeping alteration of any, and doubtless will be exclaimed against by the craft, as striking at the root of the science of pleading enabling a journeyman Blacksmith to bring or defend his case where a mere money demand is in question. In as much as a writ, Declaration or plea in actions for accounts and common money demands, afford no real information to any one as to the real matter in dispute, the courts have at all times upon application to a judge, directed the Plaintiff to furnish the Defendant, and the Defendant the Plaintiff with a copy of the demand, or cross demand, tendered by way of set off. Now I propose in cases where the claim is for an account, note of hand, bond or other money demand, to dispense with all those formal proceedings which afford no information to any one but a lawyer and not much even to him, and to require each party to serve the other with a copy of their respective accounts, and upon due notice for each Party to appear before a judge of any court having jurisdiction of the matter and to ask for judgment without any writ, declaration, plea, or other legal papers whatever, and in the Schedule to the act I give a form of a notice, which any school master may fill up informing the debtor that the creditor (sic) will appear before a judge on a given day to demand judgment. It is well known that many persons defend suits for debts that they do not deny, merely to gain time, to remove all inducement to adopt such a course, I authorise the judge upon hearing the party to give a stay of execution for such reasonable time, as he shall think just to Plaintiff and not oppressive to Defendant and may do so upon terms of giving security in the mean time, or paying by instalments at reasonable intervals, thus giving the judge power to soften



the rigor of an over harsh creditor, and to afford him protection at the same time, by requiring the Defendant to give such security as it may be in his power to offer. A similar power is exercised by courts of equity and I see no reason why courts of law should not have the same soothing authority. With regard to the Division Courts, I propose that the Judge may take confessions of Judgment with stay of Execution as before described to the amount of a £100 and that such Courts shall have jurisdiction over all Injuries to person or property, to the extent of £10--and to order any article taken by one man from another of that value to be returned in lieu of giving damages which I am sure will be found very useful in cases where persons of no property may have obtained possession of chattel property by means short of being criminal and are not worth suing for damages. In ejectments I propose that where there are no disputed facts which the Court or Judge may ascertain by examining the parties, the Court may inspect the Deeds and papers, and give judgment either upon the legal or equitable rights of the parties--this course amongst other advantages will dispense with the intervention of Chancery where either party has an equitable title which the court of Law cannot give effect to, and where to prevent the unjust application of a legal right, recourse is necessarily had to a court of equity inducing the commencement of a fresh litigation in another and more expensive court to the ruin perhaps of both parties. I also propose that both parties may be examined as witnesses are, upon oath, and cross-examined in open Court. Such examinations, in a much more expensive and less satisfactory manner, may be had in Equity, and why not at Law? It often happens that a man friendly to one side will make an affidavit of a partial statement of facts, but will not make one for the other side of circumstances within his knowledge, which would materially lessen the effect of the first statement. To remedy this evil, I propose that all persons making or refusing to make, affidavit of facts material to the elucidation of any question in the Court, may be brought into Court by compulsory process, and compelled to give evidence of what they are informed. With regard to Attorneys and their Clerks making affidavits, I would abolish the practice, and enable them merely to give a solemn declaration of any statement they may desire to lay before the Court, and be subject to be struck off the Roll if they wilfully make false statements. I consider that the constant habit of making affidavits about their daily business tends to destroy the solemnity of the act, and induces less caution in the assertion of matters than persons not so constantly in the habit of making affidavits on every trifling occasion would exercise. I also propose that the Attorneys shall pay between themselves all costs for trifling and frivolous demurrers, and for motions to set aside proceedings for irregularity, which seldom effects the merits of the case, and are constantly undertaken merely to make costs when their clients are led to believe it is all right and are made to pay the expenses of such vexatious proceedings, I also propose that no attorney or clerk shall be received as a witness to any conversation or verbal statement he may have heard from his adversary since he has been employed in that suit. This is to prevent what is vulgarly called pumping out of your opponent when he is not conscious of the object of drawing him into conversation some word he may let slip which may be twisted to his disadvantage. To the great disgust of all honorable men and the disgrace of low pettifoggers, this practice is sufficiently common to call for redress. I provide that on judgment of by default instead of assessing damages before a Jury, the Judge may refer the account, note, or other document to an officer of the Court, or some neighbor to ascertain the amount, and certify the amount to the Court, for which the referee may receive a reasonable compensation. I also propose to reduce the number of jurors to six in civil cases. Although I do not apprehend any difficulty in the simple working of the system I propose, yet, if in any small particulars, a rule of order should be found advisable for facilitating the principles intended to be acted on in the Bill, I authorize the Court to make rules ut res magis valent quam persat. These are the main objects of the Bill; and I feel convinced that though I may be sneered at by some, and held up as a visionary by men who are afraid of going out of the beaten track, or stirring without a precedent, I am willing to bear the brunt of

the attacks of all such as well as interested parties, and shall be well paid if in time I may be enabled to bring about the changes substantially such as I have indicated.<sup>206</sup>

MR. AT. GEN. BALDWIN thought the hon. member for Norfolk had not given that<sup>207</sup> deliberate<sup>208</sup> attention to the subject, which changes so important as those proposed required. He thought the whole phraseology of the Bill proved this, and that it would be better to leave the measure before the country till next Session. He was not prepared to vote on it now; but, irrespective of this,<sup>209</sup> the preamble of the Bill stated what was not the fact; when it asserted that the rules of practice established in 1837 had been attended with increased costs, instead of diminishing them. Now he believed it would not be asserted by any learned member, that by the rules alluded to, a vast amount of verbiage had not been got rid of, which had grown up during a long lapse of time; and he believed the Bench was still in favour of further improvement. The Attorney General here examined the details of the Bill, pointing out those to which he objected; the effect of which would be, to overturn the present rules<sup>210</sup> that the public, the profession, and the judges understand, and to substitute one which it will take hundreds of decisions to lick into any kind of shape. There were provisions in the Bill, that he might be inclined to vote, if they were in a separate Bill<sup>211</sup>, but he would not vote for the general principles of the Bill.<sup>212</sup> With regard to bringing parties before judges from all parts of the country, he did not think it would answer. The main features of the Bill were such as he could not support,<sup>213</sup> he would not destroy a system, which had been attended with beneficial results, and substitute for it the mere skeleton of another.<sup>214</sup> He should vote against the Bill.<sup>215</sup>

MR. J. SMITH (Durham) said there were some parts of the Bill he approved of, but as a whole, he could not say so.<sup>216</sup> ((He)) approved of that clause in the Bill, which prevented students from being called into the witness-box, where parties upon receiving a lawyer's letter, had been entrapped into a conversation, in which they had made admissions that had afterwards been in this way used to their disadvantage. The learned member had evidently bestowed much labour and pains on the Bill which he had introduced, but it was rather too sweeping, and he had gone a little too far.--He was sorry to express his opinion; but he must say, its provisions had been based on false assumptions<sup>217</sup>, and suggested that it be postponed.<sup>218</sup>

MR. J. CAMERON of Cornwall, said, the object of the bill was to sweep away those rules of practice, which had already reduced the expences when, all that is at present required was, that the Judges should reduce the number of costs. The bill contemplated allowing parties in a suit to be examined on oath, and excluded their solicitors and their students. If it were intended to alter the principles of the law of evidence, it should be extended to all. He should not take up the time of the House by going into details, but should vote against the Bill.<sup>219</sup>

MR. JOHNSON hoped Mr. Boulton would postpone his motion until after the Government measure was before the House, when it might be taken up to more advantage.<sup>220</sup>

Cries of no, no, from MR. COM. CR. LANDS PRICE, MR. MORRISON, and a few other lawyers who were determined to vote the measure down.<sup>221</sup>

MR. H. BOULTON said, the expense of litigation was greatly increased by<sup>222</sup> these "new rules" and the whole system of special pleading, which the Attorney General had defended,<sup>223</sup> which ought to be abolished altogether; and strenuous efforts were being made in England to effect this.<sup>224</sup> He also referred to the State of New York, where the entire system had been swept away.<sup>225</sup> There were persons who were wedded to it, and to whom long practice had made it a second nature. There were individuals in Toronto, but he would not mention names as it would be improper in a member of that House, who pursued this course, and who said it was their business to make money by costs. The profession of the law, he said, stood second to none for uprightness and integrity; but there were also members of it, who stood second to



none in disgraceful conduct. There was a great difference between allowing parties themselves, who were acquainted with the facts of a case, and permitting solicitors and others to do so, who upon a mere inkling of those facts would come forward and give testimony. With regard to the details of the bill, it was admitted there was a good deal in them that was useful; and it was not courteous to reject it in the manner which had been proposed. No allusion had been made to the Court of Conciliation which it proposed establishing; and which had existed for years in Denmark, where it worked well. Parties could then come before a Judge, who would make out his decision upon their testimony; and who would grant an execution when he thought proper. The practice of delaying execution, he said, existed in the Court of Chancery. Why not grant the same power to the Judges in Courts of law. Suits were often contested, he said, under the present system at great expense, merely to obtain that time which could in this way be obtained without additional costs.<sup>226</sup>

MR. SOL. GEN. MACDONALD of Glengarry, was satisfied all would admit that the Bill contained something good. But the change effected in '37 required a long time before it was perfectly understood; and they were then established, it would require four or five years before those would be understood which it is now proposed to substitute. The country he admitted, suffered much from irregular proceedings, and nine-tenths of the rules nisi were discharged.<sup>227</sup>

MR. WILSON said there was a great deal of clamour and a great deal of truth in that clamour against the profession and if the members of it opposed Law Reform, they would be excluded from this House. He then referred to several features of the Bill which he approved, and said he should vote for its second reading.<sup>228</sup> ((He)) thought much of the difficulty complained of might be removed; if the plaintiff could call upon the defendant to testify, and the defendant could call upon the plaintiff. Witnesses, he said, are now called upon to prove what the opposite party would admit. He disagreed with the learned member for Norfolk; and considered that the expenses had been reduced since the rules of practice were established in '37. He would impose a penalty of ten per cent, on amounts to be paid by the defendant, who put in a false plea.<sup>229</sup> He thought favourably of the proposal to abolish the writ in the first place.<sup>230</sup> He was for referring a disputed account directly to the Judge, without the intervention of a jury. He said he was no advocate of cheap law, which had a tendency to demoralise; and was satisfied that the expense attending litigation, was more before the reduction in costs took place than it is at present; as persons are thereby induced to protract the termination of suits.<sup>231</sup>

(38)

*The House divided: and the names being called for, they were taken down, as follow:*

(39)

YEAS.

*Messieurs Boulton of NORFOLK, Johnson, Malloch, and Wilson.--(4.)*

NAYS.

*Messieurs Attorney General Baldwin, Boulton of TORONTO, Bouthillier, Cameron of CORNWALL, Cauchon, Chabot, DeWitt, Solicitor General Drummond, Fortier, Jobin, LaTerrière, Laurin, Solicitor General Macdonald, Méthot, Morrison, Papineau, Price, Ross, Sanborn, Sauvageau, Scott of TWO MOUNTAINS, Sherwood of TORONTO, and Smith of DURHAM.--(23.)*

*So it passed in the Negative.*

Orders  
deferred.

Ordered, That the remaining Orders of the day be postponed  
until Monday next.

*Then, on motion of Mr. Solicitor General Macdonald, seconded by Mr. Malloch, The House adjourned till Monday next.*



APPENDIX: 31 MAY 1850.

((NOTICE OF MOTION RE: SEIGNIORIAL TENURE.))<sup>232</sup>

MR. AT. GEN. LAFONTAINE gave notice of the introduction of a measure relative to Seigniorial Tenure.<sup>233</sup>

((NOTICE OF MOTION RE: BILL TO EXCLUDE INDEBTED MEMBERS.))<sup>234</sup>

MR. J. SMITH (Durham) gave notice that he would move for leave to bring in a bill, on Monday next, to exclude from the Legislative Assembly members who did not pay their debts. (Laughter.)<sup>235</sup>

((NOTICE OF MOTION RE: DESPATCHES RELATIVE TO THE INDUSTRIAL EXHIBITION.))<sup>236</sup>

MR. INSP. GEN. HINCKS gave notice that he would move that the despatches received from the Governor relative to the Industrial Exhibition, be referred to a Select Committee on Monday next.<sup>237</sup>

((NOTICE OF MOTION RE: ADDRESS ON REBELLION LOSSES ACT.))

MR. ROBINSON ((gave notice of an)) Address to His Excellency for certain statements relating to the Commission appointed under the Rebellion Losses Act.<sup>238</sup>

((NOTICE OF MOTION RE: ADDRESS ON THOMAS C. DIXON.))

MR. J. CAMERON (of Cornwall) ((gave notice of an )) Address to His Excellency, for papers and correspondence relative to the dismissal of Thos. C. Dixon, Esq., from the Magistracy.<sup>239</sup>

((NOTICE OF MOTION RE: ADDRESS ON KING'S COLLEGE.))

MR. H. SHERWOOD ((gave notice of an)) Address to His Excellency, for certain statements relative to the Commission of Enquiry into the affairs of the University of King's College.<sup>240</sup>

((NOTICE OF QUESTION RE: EXPENDITURE OF MONEY FOR REDUCING HILLS BETWEEN MONO AND ADJALA.))

MR. ROBINSON ((gave notice of an)) enquiry of Ministry whether it is the intention of the Government, during the present summer, to expend the money granted for reducing the hills on the town line between Mono and Adjala, in the county of Simcoe?<sup>241</sup>

FOOTNOTES: 31 MAY 1850.

1. MONTREAL GAZETTE, 4 June 1850.
2. IBID.
3. GLOBE, 4 June 1850.
4. The following papers reported the debate on this matter in identical accounts: MONTREAL GAZETTE, 4 June 1850, PILOT, 6 June 1850, PACKET, 15 June 1850; MONTREAL TRANSCRIPT, 4 June 1850, BRITISH WHIG, 5 June 1850, ST. CATHARINES JOURNAL, 6 June 1850; EXAMINER, 5 June 1850, BRITISH WHIG, 7 June 1850; LA MINERVE, 10 June 1850, and JOURNAL DE QUEBEC, 15 June 1850. The debate was also reported by: BRITISH COLONIST, 4 June 1850; NORTH AMERICAN, 4 June 1850; MORNING CHRONICLE, 5 June 1850; MONTREAL GAZETTE, 5 June 1850; HAMILTON SPECTATOR, 5 June 1850; and KENT ADVERTISER, 13 June 1850. PILOT, 4 June 1850, commented that "Mr. Henry John Boulton ... was on his feet every half hour last night---talk, talk, talking about nothing, nothing at all--carping, snarling, never pleased, never satisfied. He is the most abominable nuisance that ever annoyed a public body...."
5. BRITISH COLONIST, 4 June 1850.
6. NORTH AMERICAN, 4 June 1850.
7. KENT ADVERTISER, 13 June 1850.
8. BRITISH COLONIST, 4 June 1850.
9. KENT ADVERTISER, 13 June 1850.
10. MONTREAL GAZETTE, 4 June 1850.
11. KENT ADVERTISER, 13 June 1850.
12. NORTH AMERICAN, 4 June 1850.
13. KENT ADVERTISER, 13 June 1850.
14. MONTREAL TRANSCRIPT, 4 June 1850.
15. KENT ADVERTISER, 13 June 1850.
16. BRITISH WHIG, 7 June 1850.
17. KENT ADVERTISER, 13 June 1850.
18. BRITISH WHIG, 7 June 1850.
19. KENT ADVERTISER, 13 June 1850.
20. NORTH AMERICAN, 4 June 1850.
21. KENT ADVERTISER, 13 June 1850.
22. MONTREAL GAZETTE, 4 June 1850.
23. NORTH AMERICAN, 4 June 1850.
24. KENT ADVERTISER, 13 June 1850.
25. MONTREAL TRANSCRIPT, 4 June 1850.
26. BRITISH COLONIST, 4 June 1850.
27. MONTREAL TRANSCRIPT, 4 June 1850.
28. BRITISH COLONIST, 4 June 1850.
29. MONTREAL TRANSCRIPT, 4 June 1850.
30. KENT ADVERTISER, 13 June 1850.
31. MONTREAL TRANSCRIPT, 4 June 1850.
32. KENT ADVERTISER, 13 June 1850.
33. BRITISH COLONIST, 4 June 1850.
34. KENT ADVERTISER, 13 June 1850.
35. BRITISH COLONIST, 4 June 1850.
36. NORTH AMERICAN, 4 June 1850.
37. BRITISH COLONIST, 4 June 1850.
38. NORTH AMERICAN, 4 June 1850.
39. KENT ADVERTISER, 13 June 1850.
40. BRITISH COLONIST, 4 June 1850.
41. KENT ADVERTISER, 13 June 1850.
42. BRITISH COLONIST, 4 June 1850.
43. KENT ADVERTISER, 13 June 1850.

44. BRITISH COLONIST, 4 June 1850.
45. KENT ADVERTISER, 13 June 1850.
46. NORTH AMERICAN, 4 June 1850.
47. KENT ADVERTISER, 13 June 1850.
48. IBID.
49. BRITISH COLONIST, 4 June 1850.
50. KENT ADVERTISER, 13 June 1850.
51. BRITISH WHIG, 7 June 1850.
52. KENT ADVERTISER, 13 June 1850.
53. BRITISH COLONIST, 4 June 1850.
54. BRITISH WHIG, 7 June 1850.
55. KENT ADVERTISER, 13 June 1850.
56. BRITISH WHIG, 7 June 1850.
57. KENT ADVERTISER, 13 June 1850.
58. NORTH AMERICAN, 4 June 1850.
59. BRITISH COLONIST, 4 June 1850.
60. KENT ADVERTISER, 13 June 1850.
61. BRITISH WHIG, 7 June 1850.
62. KENT ADVERTISER, 13 June 1850.
63. NORTH AMERICAN, 4 June 1850.
64. BRITISH COLONIST, 4 June 1850.
65. KENT ADVERTISER, 13 June 1850.
66. BRITISH WHIG, 7 June 1850.
67. MONTREAL GAZETTE, 4 June 1850.
68. BRITISH WHIG, 7 June 1850.
69. KENT ADVERTISER, 13 June 1850.
70. BRITISH COLONIST, 4 June 1850.
71. IBID.
72. NORTH AMERICAN, 4 June 1850.
73. BRITISH WHIG, 7 June 1850.
74. KENT ADVERTISER, 13 June 1850.
75. BRITISH WHIG, 7 June 1850.
76. KENT ADVERTISER, 13 June 1850.
77. BRITISH WHIG, 7 June 1850.
78. BRITISH COLONIST, 4 June 1850.
79. KENT ADVERTISER, 13 June 1850.
80. MONTREAL GAZETTE, 4 June 1850.
81. KENT ADVERTISER, 13 June 1850.
82. BRITISH WHIG, 7 June 1850.
83. MONTREAL GAZETTE, 4 June 1850.
84. KENT ADVERTISER, 13 June 1850.
85. MONTREAL GAZETTE, 4 June 1850.
86. IBID.
87. BRITISH WHIG, 7 June 1850.
88. NORTH AMERICAN, 4 June 1850.
89. BRITISH COLONIST, 4 June 1850.
90. IBID.
91. NORTH AMERICAN, 4 June 1850.
92. IBID.
93. This matter was reported by: MONTREAL GAZETTE, 4 June 1850; NORTH AMERICAN, 4 June 1850; and HAMILTON SPECTATOR, 5 June 1850.
94. HAMILTON SPECTATOR, 5 June 1850.
95. MONTREAL GAZETTE, 4 June 1850.
96. HAMILTON SPECTATOR, 5 June 1850.
97. MONTREAL GAZETTE, 4 June 1850.
98. HAMILTON SPECTATOR, 5 June 1850.
99. IBID.
100. MONTREAL GAZETTE, 4 June 1850.



101. The following papers reported the debate on this matter in identical accounts: MONTREAL GAZETTE, 4 June 1850, PILOT, 6 June 1850, PACKET, 15 June 1850; ST. CATHARINES JOURNAL, 6 June 1850, and KENT ADVERTISER, 13 June 1850. The debate was also reported by: NORTH AMERICAN, 4 June 1850; and EXAMINER, 5 June 1850.
102. NORTH AMERICAN, 4 June 1850.
103. KENT ADVERTISER, 13 June 1850.
104. NORTH AMERICAN, 4 June 1850.
105. KENT ADVERTISER, 13 June 1850.
106. IBID.
107. The following papers reported the debate on this matter in identical accounts: MONTREAL GAZETTE, 4 June 1850, PILOT, 6 June 1850, PACKET, 15 June 1850; HAMILTON SPECTATOR, 5 June 1850, and KENT ADVERTISER, 13 June 1850. The debate was also reported by: BRITISH COLONIST, 4 June 1850; NORTH AMERICAN, 4 June 1850; MORNING CHRONICLE, 5 June 1850; and EXAMINER, 5 June 1850. BATHURST COURIER, 7 June 1850, noted the debate.
108. MONTREAL GAZETTE, 4 June 1850.
109. BRITISH COLONIST, 4 June 1850.
110. MONTREAL GAZETTE, 4 June 1850.
111. BRITISH COLONIST, 4 June 1850.
112. NORTH AMERICAN, 4 June 1850.
113. KENT ADVERTISER, 13 June 1850.
114. MONTREAL GAZETTE, 4 June 1850.
115. EXAMINER, 5 June 1850.
116. BRITISH COLONIST, 4 June 1850.
117. KENT ADVERTISER, 13 June 1850.
118. BRITISH COLONIST, 4 June 1850.
119. KENT ADVERTISER, 13 June 1850.
120. BRITISH COLONIST, 4 June 1850.
121. KENT ADVERTISER, 13 June 1850.
122. EXAMINER, 5 June 1850.
123. KENT ADVERTISER, 13 June 1850.
124. BRITISH COLONIST, 4 June 1850.
125. EXAMINER, 5 June 1850.
126. BRITISH COLONIST, 4 June 1850.
127. KENT ADVERTISER, 13 June 1850.
128. NORTH AMERICAN, 4 June 1850.
129. KENT ADVERTISER, 13 June 1850.
130. IBID.
131. BRITISH COLONIST, 4 June 1850.
132. KENT ADVERTISER, 13 June 1850.
133. BRITISH COLONIST, 4 June 1850.
134. KENT ADVERTISER, 13 June 1850.
135. IBID.
136. IBID.
137. BRITISH COLONIST, 4 June 1850.
138. KENT ADVERTISER, 13 June 1850.
139. BRITISH COLONIST, 4 June 1850.
140. KENT ADVERTISER, 13 June 1850.
141. BRITISH COLONIST, 4 June 1850.
142. KENT ADVERTISER, 13 June 1850.
143. MONTREAL GAZETTE, 4 June 1850.
144. KENT ADVERTISER, 13 June 1850.
145. EXAMINER, 5 June 1850.
146. MONTREAL GAZETTE, 4 June 1850.
147. EXAMINER, 5 June 1850.
148. MONTREAL GAZETTE, 4 June 1850.

149. EXAMINER, 5 June 1850.
150. IBID.
151. IBID.
152. KENT ADVERTISER, 13 June 1850.
153. IBID.
154. BRITISH COLONIST, 4 June 1850.
155. MONTREAL GAZETTE, 4 June 1850.
156. NORTH AMERICAN, 4 June 1850.
157. MONTREAL GAZETTE, 4 June 1850.
158. NORTH AMERICAN, 4 June 1850.
159. MONTREAL GAZETTE, 4 June 1850.
160. EXAMINER, 5 June 1850.
161. IBID.
162. MONTREAL GAZETTE, 4 June 1850.
163. KENT ADVERTISER, 13 June 1850.
164. IBID.
165. BRITISH COLONIST, 4 June 1850.
166. The following papers reported the debate on this matter in identical accounts: MONTREAL GAZETTE, 4 June 1850, and PILOT, 6 June 1850. The debate was also reported by: BRITISH COLONIST, 4 June 1850; and EXAMINER, 5 June 1850.
167. BRITISH COLONIST, 4 June 1850.
168. EXAMINER, 5 June 1850.
169. PILOT, 6 June 1850.
170. EXAMINER, 5 June 1850.
171. BRITISH COLONIST, 4 June 1850.
172. PILOT, 6 June 1850.
173. BRITISH COLONIST, 4 June 1850.
174. PILOT, 6 June 1850.
175. BRITISH COLONIST, 4 June 1850.
176. EXAMINER, 5 June 1850.
177. PILOT, 6 June 1850.
178. EXAMINER, 5 June 1850.
179. IBID.
180. IBID.
181. IBID.
182. PILOT, 6 June 1850.
183. EXAMINER, 5 June 1850.
184. PILOT, 6 June 1850.
185. EXAMINER, 5 June 1850.
186. PILOT, 6 June 1850.
187. IBID.
188. BRITISH COLONIST, 4 June 1850.
189. EXAMINER, 5 June 1850.
190. PILOT, 6 June 1850.
191. EXAMINER, 5 June 1850.
192. PILOT, 6 June 1850.
193. EXAMINER, 5 June 1850.
194. PILOT, 6 June 1850.
195. BRITISH COLONIST, 4 June 1850.
196. The following papers reported the exchange on this matter in identical accounts: MONTREAL GAZETTE, 4 June 1850, PILOT, 6 June 1850; EXAMINER, 5 June 1850, and BRITISH WHIG, 7 June 1850. The debate was also reported by: BRITISH COLONIST, 4 June 1850; MORNING CHRONICLE, 5 June 1850; and KENT ADVERTISER, 13 June 1850.
197. PILOT, 6 June 1850.
198. EXAMINER, 5 June 1850.
199. BRITISH COLONIST, 4 June 1850.

200. KENT ADVERTISER, 13 June 1850.
201. IBID.
202. EXAMINER, 5 June 1850.
203. KENT ADVERTISER, 13 June 1850.
204. EXAMINER, 5 June 1850.
205. The following papers reported the debate on this matter in identical accounts: BATHURST COURIER, 4 June 1850, which misdated it as 1 June, NORTH AMERICAN, 4 June 1850, EXAMINER, 5 June 1850; MONTREAL GAZETTE, 4 June 1850, and PILOT, 6 June 1850. The debate was also reported by HAMILTON SPECTATOR, 5 June 1850.
206. BATHURST COURIER, 4 June 1850, which misdated it as 1 June.
207. IBID.
208. GLOBE, 4 June 1850.
209. BATHURST COURIER, 4 June 1850, which misdated it as 1 June.
210. GLOBE, 4 June 1850.
211. BATHURST COURIER, 4 June 1850, which misdated it as 1 June.
212. GLOBE, 4 June 1850.
213. EXAMINER, 5 June 1850.
214. IBID.
215. BATHURST COURIER, 4 June 1850, which misdated it as 1 June.
216. IBID.
217. GLOBE, 4 June 1850.
218. BATHURST COURIER, 4 June 1850, which misdated it as 1 June.
219. GLOBE, 4 June 1850.
220. BATHURST COURIER, 4 June 1850, which misdated it as 1 June.
221. IBID.
222. GLOBE, 4 June 1850.
223. BATHURST COURIER, 4 June 1850, which misdated it as 1 June.
224. GLOBE, 4 June 1850.
225. BATHURST COURIER, 4 June 1850, which misdated it as 1 June.
226. GLOBE, 4 June 1850.
227. IBID.
228. BATHURST COURIER, 4 June 1850, which misdated it as 1 June.
229. GLOBE, 4 June 1850.
230. BATHURST COURIER, 4 June 1850, which misdated it as 1 June.
231. GLOBE, 4 June 1850.
232. The following papers reported this notice in identical accounts: MONTREAL GAZETTE, 4 June 1850, PILOT, 6 June 1850, and PACKET, 15 June 1850. The notice was also reported by MORNING CHRONICLE, 5 June 1850.
233. MONTREAL GAZETTE, 4 June 1850.
234. The following papers reported this notice in identical accounts: MONTREAL GAZETTE, 4 June 1850, PILOT, 6 June 1850, and PACKET, 15 June 1850. The notice was also reported by MORNING CHRONICLE, 5 June 1850.
235. MONTREAL GAZETTE, 4 June 1850.
236. The following papers reported this notice in identical accounts: MONTREAL GAZETTE, 4 June 1850, PILOT, 6 June 1850, and PACKET, 15 June 1850.
237. MONTREAL GAZETTE, 4 June 1850.
238. BRITISH COLONIST, 31 May 1850.
239. IBID.
240. IBID.
241. IBID.



MONDAY, 3 JUNE 1850.

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Petitions  
brought up.

THE following Petitions were severally brought up, and laid on the table:--

By Mr. Malloch,--The Petition of the University of Queen's College; the Petition of the Board of Trustees of Queen's College, Kingston; the Petition of the Reverend D. Falloon, D.D., Minister, and others, Wardens of the Church of England, in the Parish of St. Ann's, Townships of Shipton, Melbourne and Ely; and the Petition of James Jessup, of the Town of Brockville, County of Leeds.

By Mr. Christie,--The Petition of Mrs. M.H. Mountain and others, the Ladies managers of the Male Orphan Asylum of Quebec in connection with the Church of England; the Petition of the Reverend William Arnold, Minister, and others, Wardens and members of the Church of England at Gaspé Basin; and the Petition of the Honorable John G. Thompson and others, Presidents of the Agricultural Societies for the District of Gaspé.

By Mr. Scott of Two Mountains,--The Petition of the Reverend P.J. Crevier and others, of the Parish of St. Augustin, District of Montreal; and the Petition of the Reverend L. Thibault and others, of the Parish of St. Jérôme, County of Terrebonne.

By Mr. Lemieux,--The Petition of A.L. Cardinal, Chief Messenger of this House; the Petition of the Reverend J. Van Linge and others, of the Township of Frampton; and the Petition of John Clark and others, of Quebec, licensed Cullers.

By Mr. Davignon,--The Petition of Jean Langevin, of the City of Montreal, Esquire.

By Mr. McFarland,--Two Petitions of Lewis Willson, Chairman, and others, on behalf of a public meeting held in the Township of Pelham, District of Niagara.

By Mr. Notman,--Two Petitions of the Municipal Council of the County of Middlesex.

By Mr. McConnell,--The Petition of John G. Gilman and others, of the County of Stanstead.

By Mr. Dumas,--The Petition of P.U. Archambault and others, of the County of Leinster.

By Mr. Morrison,--The Petition of H.C.R. Becher and Lionel Ridout, of the Town of London, County of Middlesex, Esquires.

By the Honorable Mr. Hincks,--The Petition of J.A. Wilkes, Esquire, and others, of the Town and Township of Brantford; two Petitions of the Municipal Council of the County of Oxford; the Petition of George Alexander, Foreman, and others the Grand Jurors, of the County of Oxford, and other inhabitants of the Town of Woodstock and vicinity; and the Petition of Jared Vining and others, of the Township of Nissouri.

By Mr. Sanborn,--The Petition of the Reverend John Dalziel and others, the Minister, Church Wardens and members of the Church of England at Eaton, Lower Canada; the Petition of the Reverend John Kemp and others, the Minister, Church Wardens and members of the Church of England at Bury and Lingwick, County of Sherbrooke; and the Petition of Thomas Davis and others, the Minister, Wardens and members of the Church of England at Dudswell, in Lower Canada.

Silver Coins  
Bill.

An engrossed Bill to alter the rate at which certain Silver Coins shall be a legal tender, was read the third time.

Resolved, That the Bill do pass.

Ordered, That the Honorable Mr. Hincks do carry the Bill to the Legislative Council, and desire their concurrence.

Reciprocal  
Free Trade

An engrossed Bill to facilitate reciprocal Free Trade between this Province and the other British Provinces in

Bill.

North America, was read the third time.

Resolved, That the Bill do pass, and the Title be, "An Act to facilitate reciprocal Free Trade between this Province and the other British North American Provinces."

Ordered, That the Honorable Mr. Hincks do carry the Bill to the Legislative Council, and desire their concurrence.

Petitions read.

Pursuant to the Order of the day, the following Petitions were read:--

Of the Reverend Antoine Manseau and others, of the Parish of St. Charles Borromée; of the Reverend R. Neyron and others, members of the Temperance Society of the Parish of St. Henri de Mascouche; of the Reverend J.B. Dupuy and others, of the village of L'Assomption, County of Leinster; of Louis A. Lefevre, Esquire, and others, of the Parish of St. Remi; of the Reverend T.M. Maingay and others, of the Parish of Laprairie, County of Huntingdon; of J. Desautels and others, members of the Temperance Society of the Parish of Ste. Magdeleine de Rigaud; of the Reverend A. Lemay and others, of the Parish of Ste. Victoire; of the Reverend E. Payment and others, members of the Temperance Society of the Parish of St. Charles de Charlesbourg; and of the Reverend L. Parant and others, of the Parish of St. Jean Port Joli; praying the adoption of certain measures for the suppression of intemperance.

Of the Reverend M. Lalor and others, of the Town of Picton, County of Prince Edward; praying for a certain amendment to the Common School Act.

Of G. Marchand and others, of the village of St. Johns, Dorchester; praying for the passing of an Act to incorporate certain persons under the name of the Académie de St. Jean.

Of the Reverend Richard Lonsdell, Minister, and others, Wardens and members of the Church of England at Laprairie, in Lower Canada; praying that the privilege of conferring Degrees in the Arts and in Divinity may be extended to Bishop's College, and the annual grant to the said College be so increased as to place it upon an equal footing with similar institutions throughout the Province.

Of the Very Reverend A. Morin and others, of the southern part of the County of Huntingdon; praying that certain Parishes of the said County be formed into a second division thereof, for Registration purposes.

Of William King, Esquire, and others, of Bytown and its vicinity; praying that aid be granted to the Communauté des Révérendes Soeurs de la Charité de Bytown, to

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enable them to support the Hospital for the care of the sick and orphans in the said Town.

Of the Municipal Council of the District of Niagara; praying for the passing of an Act to enable certain Townships, in connection with the Board of Works, to construct and keep attending a Swing Bridge over the River Welland.

Of C.P. Reid and others, Trustees of the Academy in the Township of Compton, District of St. Francis; praying for aid in support thereof.

Of James Smith, Esquire, and others, of the Counties of Kent and Lambton; praying that the boundary between the said Counties formed by the Sydenham River, and established by an Act of last Session, be abolished.

Of James Henderson and others, of the Parish of Ste. Geneviève de Batiscan, and others, County of Champlain; praying for the repeal of the Act establishing Commissioners Courts in Lower Canada.

Of the Municipality of the Township of Brantford; praying for a certain division of the Counties of Wentworth and Halton.

Of the Town Council of the Town of Brantford; praying that certain parts of the Counties of Wentworth and Halton be set apart and formed into a new County, to be called the County of Brant.

Of the Town Council of the Town of Brantford; praying for the appropriation of the funds accruing from the Clergy Reserves and Rectories to purposes of general Education; for the extension of the Representation, and of the Franchise; for Vote by ballot; and that the issue and proceeds of Tavern and certain other Licenses be



placed under the control of the Municipal Councils.

Of the Municipality of the Township of Ancaster; praying that measures be adopted to apply the funds accruing from the Clergy Reserves and Rectory Lands to purposes of general education and public improvement.

Of the Municipal Council of the County of York; praying for certain amendments to the Municipal Corporations and Common School Acts.

Of the Corporation of the School of Medicine of Quebec; praying for aid to enable them to establish a Library and Museum in the said School.

Of the Reverend P. Huot and others, of the Parish of Ste. Foye, County of Quebec; praying for the amendment or repeal of the Municipal Council Act, and the re-enactment of the former Law.

Of the Mayor and Councillors of the City of Quebec; praying for the passing of an Act to amend the 10 Vic. cap. 113, and to introduce certain provisions for the construction of Water Works for the said City.

Of the Reverend Edouard Duford and others, of Somerset and other Townships; praying for aid to open certain roads therein mentioned.

Of the Municipal Council of the County of Richelieu; praying that the meetings of the said Council be held at St. Ours, in place of St. Denis where they are now held.

Of the Sisters of Charity of the General Hospital of Montreal; praying the usual aid in support of the said Institution.

Of the Reverend W.J. Macdonell, Chairman, and William Martin, Clerk, on behalf of the United Congregation of South Gower, Oxford, and Mountain; praying the adoption of measures to abolish all labor on the Sabbath in the Post Office Department in the Public Service.

Of the Reverend James Geggie and others, of the Township of Edwardsburgh, District of Johnstown; praying that measures be adopted to prevent the profanation of the Sabbath by the carrying and delivery of Her Majesty's mail upon that day.

Of William Rees, Esquire, late Medical Superintendent of the Provincial Lunatic Asylum at Toronto; praying compensation for his services in promoting and bringing into operation the said Asylum.

Of A.E. Montmarquet and others, of the Parish of St. André, County of Two Mountains; praying aid for the completion of a College in the village of St. André.

Of J. Counter, Esquire, Mayor, and others, of the City of Kingston; praying that measures be adopted for the abolition of all labor on the Lord's Day in the Post Office Department of the Public Service.

Petition of  
W. Workman  
and others;  
Of Champlain  
Railroad  
Company;  
Of J.H. Dorwin  
and others;  
Of the Bank of  
Upper Canada;  
Of A. Douglass  
and others;

Ordered, That the Petition of William Workman and others, on behalf of the Corporation of the Montreal and Province Line Junction Railway Company; the Petition of the Company of Proprietors of the Champlain and St. Lawrence Railroad; the Petition of J.H. Dorwin and others, of the Township of Rawdon, County of Leinster; the Petition of the Bank of Upper Canada; and the Petition of Alexander Douglass and others, of the Township of Bertie, County of Welland, be referred to the Standing Committee on Standing Orders.

Of the Rev-  
erend T. Des-  
troismaisons  
and others;

Resolved, That the Petition of the Reverend T. Destroismaisons and others, of the Parish of St. Germain de Rimouski, County of Rimouski, be referred to a Select Committee, composed of Mr. Taché, Mr. Marquis, Mr. Fournier, Mr. Lemieux, and Mr. Chauveau, to examine

the contents thereof, and to report thereon with all convenient speed; with power to send for persons, papers, and records.



Of P. Gauvreau and others referred.

Mr. Bouthillier, Mr. Fournier and Mr. Lemieux, to examine the contents thereof, and to report thereon with all convenient speed; with power to send for persons, papers, and records.

Leave of absence.

Ordered, That Mr. Mongenais have leave to absent himself from this House for eight days, on urgent business.

Second Report of Committee on Standing Orders.

The Honorable Mr. Cameron of Kent, from the Standing Committee on Standing Orders, presented to the House the Second Report of the said Committee; which was read, as followeth:--

Your Committee have examined the Petitions of Thomas Askew and others, of James Keeler and others, of George Poapst and others, and of Pierre A.C. Munro and others; and do not consider them to be of such a nature as to come under the 66th Rule.

Proposed changes in the Constitution.

The Honorable Mr. Boulton moved, seconded by the Honorable Mr. Papineau, and the Question being put, That an humble Address be presented to Her Majesty and both Houses of the Imperial Parliament, praying that an Act may be passed providing that the Legislative Council of this Province shall consist of Members who shall be British subjects, not less than        years of age, and possessed of real estate within the Province of the value of not less than        pounds of lawful money of Canada, free from all incumbrances, and to be elected for six years, by persons possessed of real estate to their own use, of the annual value of        pounds, or who shall pay an annual rent of        pounds for real estate occupied by such voter,--the Province being divided into thirty Electoral Districts, com-

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posed respectively of such Counties or Unions of adjacent Counties as shall respectively decennially be found to contain, as nearly as such Unions will permit, an equal thirtieth part of the population of the Province; and that Her Majesty, by and with the advice and consent of the Legislative Council and Assembly thus constituted, shall have power to make laws for the peace, welfare, and good government of the Province of Canada, with power at any time to call a Convention elected by the People entitled to vote for Members of the Legislative Assembly, to establish such a Constitution for this Province as they shall think proper,--such Constitution also receiving the assent of Her Majesty, Her Heirs, or Successors, in Her Privy Council, before it shall take effect: Provided that any Act passed by the so-newly constituted Parliament may be disallowed by Her Majesty, within        after it shall have been assented to by Her Majesty's Representative in Canada, upon an Address of both Houses of Her Majesty's Imperial Parliament, praying Her Majesty to disallow such Act, and expressing therein the reasons inducing the same; and that after the election of such Legislative Council shall have taken place, and one Session of Parliament so composed have been held, then that an Act passed in the thirty-first year of the Reign of His late Majesty King George the Third, intituled, "An Act to repeal so much of an Act passed in the fourteenth year of His Majesty's Reign, intituled, "An Act for making more effectual provision for the Government of the Province of Quebec in North America," and to make further provision for the Government of the said Province," and also, an Act passed in the fourth year of Her Majesty's Reign, intituled, "An Act to re-unite the Provinces of Upper and Lower Canada, and for the Government of Canada," as well as all other Acts and parts of Acts of the Imperial Parliament relating, in terms either general or particular, to any subject of a colonial or local nature affecting this Province, shall cease, determine and have no other effect within this Province, except such Acts as relate

*to the discipline and employment of Her Majesty's Land and Sea Forces, abroad;*<sup>1</sup>

MR. H. BOULTON (Norfolk) thought the changes here proposed were the most important that could engage the attention of the House.<sup>2</sup> He thought his measure essential to the acquirement (sic) by the people of Canada, of that controul over their own affairs to which they had the undoubted right<sup>3</sup>. Ce controle n'existe pas réellement aujourd'hui.<sup>4</sup> The hon. member went on to argue that the proposition which he had the honor to submit was necessary to the prosperity and peace of this colony. He stated that<sup>5</sup> if that part of the resolution was passed which enacted that the home government should not disallow any bill passing our Legislature, except in consequence of an address from that Legislature, there would be no more dread of Imperial interference; there would be responsibility of a colonial Administration supporting a bill in their own Legislature<sup>6</sup>, by their presence and votes<sup>7</sup> ((but)) recommending that it should be refused the Imperial sanction<sup>8</sup> secretly<sup>9</sup>. It had been said that they could not touch the question of the Clergy Reserves, that the British Legislature stood in the way; if members opposite were<sup>10</sup> sincere in their expressed opinions<sup>11</sup> in favour of the passage of that measure, they would not hesitate to support<sup>12</sup> these resolutions, because they would hasten the settlement of that vexatious question. It would at once place in their hands the necessary power to bring forward measures on the subject which would be satisfactory to the country. His resolutions also would have the desirable effect of for ever extinguishing the authority of Downing street over our Colonial Legislation.--<sup>13</sup> It would in effect give us practical independence<sup>14</sup>. At present, not a measure passed that House, which was not liable to the interference of the Colonial Secretary.<sup>15</sup> There is not an appointment to office that the Colonial Secretary cannot control.<sup>16</sup> He did not accuse the Colonial Secretary of acting wrongly from the desire of doing so, but<sup>17</sup> he was ignorant of our affairs; he possessed less information on the subject than many members of that house, although he was a man of abilities and of great experience.<sup>18</sup> He considered the influence of the Colonial Minister had been most injurious to the colony. He did not think that any Colonial Minister at this day would dare to repeat the experiment tried in 1833, in the disallowance of two Bank Bills of Upper Canada<sup>19</sup> that of Upper Canada and that of the Railroad District.<sup>20</sup> Mais sa prudence ne constitue pas pour nous une garantie et ce sont des garanties de notre droit que nous devons rechercher; car là où la garantie n'est pas, le droit n'existe pas.<sup>21</sup> But if they did not interfere with us, what was the use of their having the power.<sup>22</sup> He considered it desirable that the Colonial Minister's power of meddling in our local affairs should be curtailed for his own sake<sup>23</sup>, as he was made a mark to be shot at on the floor of that House.<sup>24</sup> The Colonial Minister was appointed from imperial considerations, and with these to look after, and forty other governments, it was impossible that he should be acquainted with our affairs.<sup>25</sup> He did not, however, wish it to be understood that he desired complete independence, but would permit not interference with our Provincial proceedings, except by the Imperial Parliament in open session, where both sides could be heard, and we should then know the grounds on which our acts were disallowed.<sup>26</sup> The views of the Canadian people would then be fully heard; the arguments used on the floor of the House would be reiterated in the British Parliament<sup>27</sup> and not as at present have Colonial intrigues and back stairs influence upsetting the result of the deliberate acts of the Colonial Legislature.<sup>28</sup> It had been said that his propositions were chimerical and impracticable, only fit to be ridiculed and laughed at. He could tell honourable members that these remarks passed him by like the rushing winds, he did not heed them. The honourable member then proceeded to read the opinions of Mr. Fox, of the London Standard, and of Mr. Gladstone, in favour of there being two branches of the Legislature.<sup>29</sup> He read from a speech of Mr. Fox to the effect that Mr. Fox thought that it would be better for the Canadians to follow the plan of the American Constitution, as being the nearest imitation of King, Lords, and Commons<sup>30</sup>, and thought the hon. Attorney General west would admit that that distinguished Statesman's opinion was entitled to some respect.<sup>31</sup> He read from a Tory paper, the London Standard, to the effect, that it was better for a colony to form its own constitution as soon as it



was able to do so. He thought this no mean authority from the high Tory press of England. He read from a speech of Mr. Gladstone to the effect, that Colonists should possess vital and permanent liberty.<sup>32</sup> He argued that Great Britain would yield anything which the people and their Parliament demanded firmly and respectfully; and cited the case of the Cape of Good Hope to justify him in entertaining this opinion<sup>33</sup>. He considered that the Colony of the Cape of Good Hope had<sup>34</sup> acted with a spirit and a determination, which had called forth the approbation of the civilized world.<sup>35</sup> In resisting the landing of the convicts, ((the Cape)) had taken a stand that had rendered them respectable in the estimation of every colony of England. He did not mean to say that she would have been right in rebelling against the Mother Country; he meant nothing of the kind; but she had resisted an attempt that would if successful have proved most injurious to her interests.<sup>36</sup> And the result had been, that the Minister of the Crown had come down, and in his place in Parliament, proposed that they should have<sup>37</sup> what was never given to any other English colony since the American Revolution--double Elective Legislative Assemblies.<sup>38</sup> He then read further extracts from a speech of Mr. Gladstone on the Australian Colonies Bill, in favour of extending complete municipal freedom to the Colonies and taking from the Home Government, the power of interfering in their local affairs.<sup>39</sup> The Constitution that had been proposed for Australia was not applicable to this Province, and could never be introduced here. Mr. Gladstone, at one time Secretary of State, had been favourable to the continuous interference of the Imperial Government in the affairs of the colonies, but had altered his views, and now held that they should not only have the right to judge of the Constitution under which they were to live, but that the responsibility devolved upon them of exercising right. With respect to the veto upon the Acts of Colonial Legislatures, of which he was at one time in favour, he confessed he had been misled in thinking it essential; and he now considered his former opinions as erroneous<sup>40</sup>. The retaining of the veto by the Colonial Office was highly injurious, and could do no good; and ... he (Mr. Gladstone) considered it inimical to freedom, depriving the Colonists of a right essential to their prosperity<sup>41</sup>, as it was at present impossible to say whether laws which had been passed by the Colonies were in force or not. Hence it was with reference to the Bill for the remuneration of Rebels, that the Imperial Government, by having the power to interfere and prevent its going into operation, had mixed itself up with the affairs. Then, again<sup>42</sup> Mr. Gladstone had asked what was the position of the nominated members of the Canadian Legislative Council; which he answered by saying they were absolutely dependent--the slaves and the tools of the government that nominated them<sup>43</sup> and had no will or conscience of their own<sup>44</sup> ((men)) who could never be looked upon with respect.<sup>45</sup> Better were it, that the colonists should take a defective Constitution and work it out, than that they should have a good Constitution given them. Such were the sentiments, he said, of men who held seats in the Imperial Parliament, and who had the best opportunities of judgments (sic). He (Mr. Boulton) could quote the opinions of others equally well entitled to deference, but which he deemed unnecessary. As Mr. Hume was considered by some hon. gentlemen as entitled to respect, he (Mr. B.) would quote what he had said--that he considered the colonial office had been an incubus; and if it continued in the old track, the nation would lose the hold it had upon the colonies. He (Mr. B.) considered the time had arrived for the Assembly to act; as he considered that if responsible government were left where it is, it would not work well, without those checks and restraints, which he had endeavoured to put on those who conduct it; and which<sup>46</sup> although he did all that he could to establish it,<sup>47</sup> has degenerated into an entirely unbridled elective oligarchy, which must continue in power for four years. What did the press and the community, and even members of the house say? It might be told him, that in proposing the measures of which he was then the advocate, he had become recreant.<sup>48</sup> If any one makes a remark in the House that does not fall like honey on the ears of the Executive, it is said he is opposing the Government. He himself was held up as deserting his party<sup>49</sup>.

Hear, hear, from MR. INSP. GEN. HINCKS<sup>50</sup>.



MR. H. BOULTON (continued:) He knew where that cry arose<sup>51</sup>, the hon. gentleman might cry "hear, hear,"<sup>52</sup> but he despised it--it did not touch him, and he would act in favour of what he believed to be the substantial interests of the country; and would support such<sup>53</sup> liberal measures<sup>54</sup>, as he believed were conducive to that end; he had supported and would continue to support such measures, let them originate in what quarter they may. With reference to the government as at present constituted, he said<sup>55</sup> it was no longer the question before the House, what was good for the country? but, what was put down and obstructed by those who compose it--he could not get a fair hearing. But it was not the representative merely, that was thus put down; but that portion of the people who spoke through his mouth; and who, however small their numbers, were entitled to the consideration of the House,<sup>58</sup> every member had the right to bring forward his measure on the floor of the House,<sup>58</sup>--even the few clear grits were entitled to be heard.<sup>59</sup> In the name of the people he represented he demanded to be heard, and he would make himself heard in spite of the taunts and jeers of those who opposed him, from what motives they themselves could best tell.<sup>60</sup> But if measures of reform were propounded, which went farther than the government wished, those who proposed them were obstructed and prevented from proceeding, by a body of men, like the sea-shore said to the approaching waves, thus far, shalt thou go, and no farther; and who pursue a course which is an interference with the freedom of Parliament<sup>61</sup>, the freedom of debate.<sup>62</sup> He condemned the Ministry for discourtesy, and thought it did not become one of them to tell a member of that House that he was very ignorant of the subject he was discussing.<sup>63</sup> He (Mr. B.) had tried during several sessions, and was still bent upon the accomplishment of his object, to have the members of responsible government stript of<sup>64</sup> its discretionary<sup>65</sup> irresponsible power<sup>66</sup> and to substitute the government of law for that of caprice.<sup>67</sup> Were it not for that, the Legislature would not be convened at a period that is inconvenient to the people; the members of which could form no idea of the time when they would be required to assemble; and therefore could not go abroad, with any certainty of knowing when they must return. He continued that the public monies should be specifically appropriated, so far as is consistent with the exigencies of the country. As it was probable other gentlemen would speak on the subject, and he would have an opportunity of replying, he said, he would not detain the House any longer.<sup>68</sup>

MR. PAPINEAU, who seconded the Resolution,<sup>69</sup> spoke at great length in favour of the proposition of the hon. member in Norfolk.<sup>70</sup> ((He)) said that the studied reserve of the members of the Government, when a question of so much importance was under consideration, and which alone could produce peace, showed that they did not understand the intentions and interests of the people; and who he considered were the rankest Tories<sup>71</sup>, which had been yet seen.<sup>72</sup> In<sup>73</sup> private<sup>74</sup> conversation they had admitted that the present constitution is unwise and unsound, and that the Legislative Council is improperly constructed; but in the House they would not give their attention to a resolution which was the echo of the popular voice.<sup>75</sup> He said that we had not even the rights that we should have<sup>76</sup>. Persons who were at one time in favour of the present system of Government, now see that it ought to be remodelled. Hon. gentlemen say, that the people should not be clothed with power to meet in convention, there to decide upon what alterations are required; they were setting their faces against the Resolution which had been proposed; and would not allow the people to say whether the union of the Province ought to remain or not. They did not speak, however, so disrespectfully at the hustings, where they pretended to participate in the feelings of the people; and expressed a desire to comply with their wishes, and to conduce to their well-being. The situation of this Province, he said, was peculiar and unfortunate. In other colonies, the people, previous to emigrating, made contracts and received charters; after which they determined to go abroad and settle; and having done so under an expressed pledge, would not consent to the trial of experiments by the Parent State. Through the iniquitous conduct of Parliament<sup>77</sup> imposant constamment sa volonté au Canada l'Angleterre a été la cause première des

troubles de 1837-38, qui ont entraîné (sic) sur ce pays la désolation, l'incendie et le meurtre<sup>78</sup>, one Constitution had been destroyed and another substituted without the consent of the people; and yet, when they asked to be restored to a higher degree of freedom, the obstructives trampled on the necks of their fellow citizens.<sup>79</sup>

En changeant sa politique, elle a fait souffrir aux royalistes de cette époque-là tous les maux qu'elle avait précédemment infligés aux adversaires des royalistes. Et c'est ainsi que l'Angleterre sacrifiera tour à tour un parti à l'autre, pour faire prédominer ses intérêts propres, au détriment de toute la colonie, de sa prospérité, du bien-être de ses habitants, et au milieu des querelles, des conflits des divers partis. Il est donc bien évident que tant que l'Angleterre dominera le Canada celui-ci sera mal et très-mal gouverné par le bureau colonial.

En preuve de cet avancé M. Papineau rappela la construction du canal à Beauharnais et les sommes énormes qui y ont été inutilement englouties. Mais aussi c'est qu'un ministre des Colonies avait nommé gouverneur de Canada (Lord Sydenham) l'un des associés d'une compagnie de banquiers anglais créanciers de la province au montant de fortes sommes; et tandis que ce Banquier intéressé nous fabriquait une constitution, un autre associé de la même maison intéressée à faire passer le Canal à Beauharnais nous batissait (sic) ce canal aurait-on jamais ou un pareil tripotage et l'aurait-on jamais souffert si l'Angleterre ne nous l'eut de fait imposé?<sup>80</sup> The propositions that had been made, were consonant with reason and justice, and from which no evil could possibly flow, which means that the people should meet in convention, and deliberate as to what would be conducive to their well-being; and it was evident the members of the government were opposed to this, when they would not allow petitions to reach the throne, or both Houses of the Imperial Parliament. The necessity for the second branch of the Legislature was generally admitted,<sup>81</sup> more by an analogy of the United States than with England, as the circumstances existing in the States were more like those existing here<sup>82</sup> and was far more beneficial in the United States than in the Mother country. In England, under the Stuarts, kingly interests predominated, and it was this which brought one Sovereign to the scaffold, and compelled the other to abdicate the throne. The reigns of the first three of their successors formed the brightest periods of English history. Since that time England has declined. At present, he said, the House of Lords made royalty a show, and its power a nullity, and it was the foolish attempt of Louis Philippe to govern, which brought him to what he is now; he is a man of uncommon talent, and has been tried during an eventful life, by the extremes of good and bad fortune. The fallacy of monarchical institutions was evident, from the circumstance of three queens reigning in Europe; one of whom was an admirer of Louis Philippe and his policy; but whose fate must have taught her a lesson. He was desirous of grasping power, and merited his fate. In the United States, he said, two chambers exist, who are formed upon the elective principle, in which the working classes exercise a proper influence, and with whose wishes the second chamber would act in accordance; but in the other there was a counterpoise; and, such a body so chosen would be useful here. But there was a higher gratification required than money, which would not bear a compromise with talent. Every attempt at reform in the Province, he said, was opposed by a ministry, who brought forward precedents from the time of Lord Jeffries;<sup>83</sup> and which were inapplicable to our state.<sup>84</sup> And in their legislative capacities ((they)) repudiate that, which elsewhere they pretend they are desirous of granting. It was a sound principle, he said, which is contained in the resolution, that the new chamber should be based on population<sup>85</sup> and equal rights.<sup>86</sup> Even the members of the league, he continued, had been denounced as Tories, which consisted of practical men,<sup>87</sup> possessed of minds capable of progress,<sup>88</sup> ((who)) were willing to forego preconceived notions, where they find the present system working for the well-being of society.<sup>89</sup> He alluded in terms of praise to the action which the League had taken on the subject; and contrasted it with the course of the Administration, who, although sworn to be favourable to the principle, yet for some paltry or corrupt motive now opposed it.<sup>90</sup> The whole course of the ministry showed that they possessed narrow minds, and were incapable of progress. He condemned them for opposing every liberal measure. The ministry stood opposed to everything



which was not under their sway and direction.<sup>91</sup> Si les ministres s'opposent à la proposition, ils mentiront à leur conscience, ils agiront contre leur conviction.<sup>92</sup> Then again, it was not desirable that the British Parliament should interfere with the trade of the Province, or the civil rights of its inhabitants. All this had been submitted to because it was the desire of the King of England, by whom monies were expended and lavished under error. Mr. Ellice, whose connexions are of ancient family, had too much committed to him; to him were to be attributed all the misfortunes of this country and owing to whose advice being taken, his property near Sorel had been greatly increased in value.<sup>93</sup> The hon. gentleman concluded by an elaborate attack on the Colonial System and the Home Colonial Government.<sup>94</sup>

MR. H. SHERWOOD (Toronto) said that this was a question of great importance, and great changes of opinion had taken place upon it in the minds of many members of the house. Some time ago<sup>95</sup> members with whom he had acted,<sup>96</sup> would hardly listen to a proposition of the kind; but<sup>97</sup> circumstances had changed since then<sup>98</sup>, now, when place and power were wanted, they were more disposed to favor it. He thought that the hon. member for St. Maurice, instead of making attacks upon the administration which he had made many times before, would have done better to have discussed the measure apart from any reference to present arrangements.<sup>99</sup> He did not think that they should infer from the silence of the government, that they (the government) were entirely opposed to the principle of election, as applied to the Legislative Council.<sup>100</sup> He thought if that question were separated from the others in the resolution, it would be much more likely to get the support of the House and of the country.<sup>101</sup> He (Mr. S.) had always been in favor of a federal union of the North American Colonies; in 1830 he was chairman of a committee of the Upper Canada Legislature, in favor of that confederation. If a union were effected on the terms he would desire, he believed they would take a position among the nations of the earth second to few of the States of Europe, and they would command the respect of the whole world; their public men would acquire a name throughout the world<sup>102</sup>. He considered that it would open a field for the ambition of our youth<sup>103</sup>, they would occupy a high position among a people of millions instead of a million and a half.<sup>104</sup> We should not then be regarded as petty colonists. He believed that this federal union, more than anything else, would perpetuate the power of England on this continent<sup>105</sup> for many years to come.<sup>106</sup> He would have the federation incorporated in the royal title; and after Great Britain and Ireland, he would have added the North American Colonies. He would then introduce the elective principle.<sup>107</sup> The Governor or Viceroy of this Union he would have a statesman of talent, who would be the only connecting link with Great Britain.<sup>108</sup> He would then put into operation the elective principle--elect the two chambers of the legislature, a legislature for each Province, and a federal legislature that should have the control of affairs common to all the Provinces.<sup>109</sup> And to the government thus formed would be entrusted the regulations of commerce, the post office and public works which affected the interests of all.--Each Province would also have its Government and two houses to manage their own local affairs, like our Municipal Councils or the States of the Union. If these views, however, were not acceptable to the country, he would endeavor to improve the present system as much as possible.<sup>110</sup> He would establish a Superior Court, similar to that of the United States. With reference to the resolutions of the hon. member from Norfolk, he stated that<sup>111</sup> many persons were in favor of the measure ... in former days who were not so at present. The hon. Attorney General East had supported it formerly in the Lower Canadian House, and so had many gentlemen supported it in Upper Canada who now opposed it. He (Mr. S.) had formerly opposed<sup>112</sup> the introduction of the elective principle to the Legislative Council.<sup>113</sup> He had believed that if it were once introduced it could not be stopped; that people would then call for an elective Governor also, and that it would lead to a separation from Great Britain, which it was a paramount duty to maintain<sup>114</sup>, and thought that in order to do this now, we must have a form of government that would give satisfaction in the country.<sup>115</sup> He should not, therefore, support any measure that was calculated to weaken that connection.<sup>116</sup> But when he saw a member of that Council



move that it should be abolished, and when he saw the course of that body last Session, in passing the Bills without giving them any consideration<sup>117</sup>, frequently reading the bills "short", that is reading only the marginal notes and the pre-  
amble<sup>118</sup> to suit the course of the men in power<sup>119</sup>, showing that it had prostrated  
itself to be the tool of the ministry.<sup>120</sup> When he saw the house packed to carry the  
most extraordinary measures ever introduced into any Legislature, he<sup>121</sup> began to  
question the wisdom of the mode of constituting the House, and he was now convinced  
that we must have a change, (hear, hear)<sup>122</sup> or that we must only have one Assembly.  
He condemned the unscrupulous manner in which the government had made use of the  
royal prerogative in appointments to the Council.<sup>123</sup> The effect of the system is,  
that persons are put in by every administration, in order to support their parti-  
cular views; so that in a very short time every man in Canada will be made a Legis-  
lative Councillor. In England, the working of the system is very different. It is  
true that the Crown has there the right of calling to the House of Lords any person  
whom the Sovereign pleases to honor with that distinction, but the right of a seat  
descends to the child of the newly married peer, and to his children after him. The  
consequence is, that although a tool may have been nominated, in a few years a gen-  
eration springs up, who stand perfectly independent.--Here, on the contrary, a tool  
is nominated to the Council--he acts as a tool, and remains a tool to the day of his  
death. There was no opposing influence, as his seat did not descend to his children,  
and therefore he was surrounded by men in the same position as he occupied himself.  
Being convinced then of the necessity of some change, and being satisfied that the  
proposition for an Elective Council was the most likely to establish a respectable  
and independent branch of the Legislature, he was prepared to look on it favorably;  
at the same time he was of opinion that the hon. members might have an opportunity  
of looking over it<sup>124</sup> for a few days<sup>125</sup>, for he believed that it could be amended  
considerably. Nevertheless, he believed the principle was good, and<sup>126</sup> he then read  
from the Pilot newspaper an extract in favour of making changes in our constitution,  
ending with a quotation from a speech of Mr. Hawes, in which the Under Colonial  
Secretary stated that the proposal of any colony to have an elective Legislative  
Council would meet no opposition from the Parliament of England.<sup>127</sup> He read from a  
speech of Lord John Russell, to the effect, that we had more liberty in Canada than  
had the people in the State of New York. It was evident from what he had read that  
if Canada were desirous of having the Legislative Council elective, that there would  
be no obstacles thrown in the way by England. He did not assert that the majority  
out of doors were in favour of the elective principle,<sup>128</sup> perhaps he might even  
safely say the contrary,<sup>129</sup> but he personally was and<sup>130</sup> he desired to express his  
individual opinions in order that the people out of doors might understand and con-  
demn them if they deserved condemnation.<sup>131</sup> ((He)) would have an objection in see-  
ing the question left over till the next election. While the legislative council,  
as at present constituted, was of no consequence, the view that the Senate of the  
United States would take on any question was looked forward to with the utmost  
interest.<sup>132</sup> He believed that with the Council elective we should find men of  
talent in the Legislature. And that here would be asked, as in the States was  
asked, what did the Senate think?<sup>133</sup> Further than an elective Legislative Council,  
he could not go at present. He hoped the mover would consent to delay his motion  
for a few days.<sup>134</sup>

MR. J. CAMERON (Cornwall) requested the hon. member for Norfolk to postpone his  
motion for the present, in order to give members an opportunity of reflecting on the  
subject. For himself he would say, that he could not understand from the motion  
what arrangement was to be made respecting many vital points<sup>135</sup>, or how the plan was  
to be carried out consistently with our system of Government.<sup>136</sup> It did not show  
how antagonisms between the two houses were to be avoided,<sup>137</sup> which House, or whether  
both should be dissolved in case of disagreement between them<sup>138</sup>, nor which was to  
be the governing power; nor which house was to be dissolved by the Governor, if his  
policy were opposed. Now these might be considered matters of detail, and of minor  
importance; but he was of a very different opinion, and could not believe that the

system established in the United States could be introduced here partially, and must be satisfied that those arrangements which he looked on as being absolutely essential, should be completed, before he would vote for the motion.<sup>139</sup> As he was at present advised he would vote against the proposition of an Elective Legislative Council.<sup>140</sup>

COL. GUGY would oppose the proposition of an Elective Legislative Council.<sup>141</sup> He hated all tinkers and tinkering heartily, and felt the utmost contempt and disgust for the crude attempt at constitution-making which certain hon. gentlemen were constantly perpetrating. What, in the name of Heaven, was to be done with that motion for an Elective Council, without any attempts to show by what machinery it was to be put in operation. It was an article of faith with him, that, whatever was best administered, was best; and it was his first opinion that, if the hon. members for Norfolk and St. Maurice would devote their talents and their energies to carrying out the principles of the Government, in the best spirit, instead of compounding disagreeable nostrums which no one was willing to accept, they would find that we could enjoy as great a share of happiness and freedom as any people on the face of the earth. That being his impression, he thought it would be much better for the House to give this motion a decided negative at once, instead of postponing it, and thus giving hon. members an opportunity of repeating their "bunkum speeches," not merely for the sedative effect it might have for the moment, but also to prevent others from sinning in that way anymore; for there was an outcry from one end of the Province to the other, and very justly, against the manner in which the legislation in that house was conducted; and he wished that some one with the strength of character possessed by Wellington were among them to repeat his advice to the Council, "speak less and work more." The hon. gentleman then referring to the constant and reiterated attacks made by the hon. member for St. Maurice, said that they reminded him of the famous fiddler Paganini, who fiddled and fiddled constantly<sup>142</sup> but there was this difference between Paganini and the hon. member, Paganini's tunes were various, but he (Mr. Papineau) never played but one.<sup>143</sup> As soon as he (Col. G.) heard the premonitory notes, he knew all that was to follow, and made up his mind to bear with it. Reverting to the original question, he said that those who would vote for this motion, ought to be whole hoggers, fully prepared to swallow the animal, bristles and all. An Elective Council necessarily brought into full play the whole of the Elective Institutions, and they must have also an Elective Governor; it was consequently an object of the greatest alarm to all those who wished to preserve the connection with the Mother Country.<sup>144</sup> He considered that we should turn our attention to practical measures instead of discussing the Chair.<sup>145</sup> He concluded by again soliciting the House at once to refuse its assent to the resolutions.<sup>146</sup>

MR. AT. GEN. BALDWIN said that he had, at an early period of the debate on the address, expressed his decided opposition to the elective principle being introduced into the Legislative Council<sup>147</sup> ((and)) confessed that he still retained exactly the same opinions<sup>148</sup>. He had not heard anything to make him change the views he had before expressed<sup>149</sup>, in spite of all he had heard from the hon. gentleman who proposed this motion<sup>150</sup>, nor did he think that he should hear anything that would make him<sup>151</sup> and he had no doubt had been set down as impracticable, both by that hon. member, and the hon. member for St. Maurice. However that might be, he fully concurred with the hon. member for Sherbrooke, that it was exceedingly inconvenient to make frequent organic changes in the constitution. At one time it was supposed that all that was necessary to secure peace and good order, was to have the English principle of Government applied to this colony. That had been done; and although it was true that it had not been found to work quite so well as some persons anticipated, yet the great majority acknowledged that the Government was conducted on true British principles, and that they enjoyed the right of legislating on their domestic affairs.<sup>152</sup> No one could deny that the deliberate views of the people<sup>153</sup> effectually<sup>154</sup> made themselves felt on the Administration through the Legislature.<sup>155</sup> No one in fact would pretend to say that they had not that right; and in spite of all the tirades of those hon. Members, no one could pretend to say that the English Govern-



ment had any wish to interfere with their exercise of it. And was it now, within a short time of a declaration by the Imperial Ministry, echoed by both Houses of Parliament<sup>156</sup> every British statesman, and every British party ... that the Colonies should possess entire and absolute rule over their local affairs<sup>157</sup>, that the hon. members opposite should raise their voices, and however the hon. member for Norfolk might disguise it, endeavor to destroy the connection between this Province and the mother country.<sup>158</sup> He considered it black ingratitude, hateful ingratitude<sup>159</sup> and injurious to the character of Canadians<sup>160</sup> at this present time, to discuss the separation of this Province from England. He proceeded to condemn in a strong measure the scheme of the hon. member for Norfolk; and characterized it as an attempt at sapping and mining the connection with England. He considered it as perfectly monstrous the idea of calling a convention to frame a new constitution on every slight difference. He could understand the course taken by the hon. member for St. Maurice.<sup>161</sup> The hon. member for St. Maurice at least had the manliness--aye, the effrontery and boldness--to make this avowal, and at once confess that he was a<sup>162</sup> base ungrateful wretch, forgetful of the pardon which he owed to the Sovereign, whom, at a previous part of his life, he had, at least pretended to support--<sup>163</sup> who could not feel the slightest gratitude for the greatest benefits conferred; and that he was determined, if possible, to break down the power of the flag under which he was born. He conceived this time to be extremely unfit for such a proposition<sup>164</sup>. He (Mr. B.) did not say that all those who were in favor of the application of the elective principle to the Legislative Council were desirous of severing the connection with England, as he was aware that some of his Colleagues<sup>165</sup> ((and)) many persons of high respectability ... were favourably disposed to the establishment of an Elective Council, who would certainly oppose the motion of the honorable member for Norfolk, subversive as it was of the entire constitution.<sup>166</sup> He condemned in the strongest manner he was able, the eternal attempts to subvert the Constitution, which hon. members were in the habit of making.<sup>167</sup> For his own part he concurred fully with Colonel Gagy, that it would be far better if hon. members turned their attention to practical objects instead of constitution tinkering; and if they found that the present Government was not capable either from want of talent or industry to carry out those views which the house considered to be more advantageous for the interests of the country, let them at once choose such men as did possess their confidence; he would willingly resign his seat to the hon'ble member for Norfolk, or the hon. member for St. Maurice, if the house looked to them with confidence, had more faith in their industry and talent than in his, and he would give them his support in carrying out those plans, as he had done when he was in opposition before. For he could appeal with confidence to his conduct as well when he was in opposition as when he was in office. He had never made a factious opposition. He had never attempted to upset the institutions of the country, because there happened to be a majority of one in favor of some popular cry. He had never attempted to force himself into office, but he waited his time, and when the country declared it required his services, it was only then that he ventured to come forward to carry out the views which he always advocated. And as he never shrunk from avowing his opinions, he would not now shrink from opposing this motion for an Elective Council, to which he had always been opposed. At an early period of his political life, it had been prominently before the public, and it was not to be supposed therefore that this was the first time that he had been called on to give his opinion respecting it. It was a principle adopted by men for whom he entertained the highest respect, and by many of the party with whom he had always acted, and always wished to act.--There were circumstances which caused them naturally to bend their regards in that direction, and to consider it as the only means by which a direct influence could be brought to bear on the Executive, for the legislative Council had been truly an obstructive body; and in reply to their just complaints, they had been told that the institutions for which their fathers had bled, and to obtain which one king had lost his head, and another had been driven from his throne, were not applicable to them. When such language was held, he thought they were justified in looking to elective



institutions as the only means by which they could be put in possession of the boon they sought. But they had obtained what they had demanded, and a living principle had been instilled into the body politic, which could not fail to work most beneficially, and leave us nothing to envy in the boasted institutions of Mr. Papineau over the way; and in his opposition to those institutions he could confidently say that he acted with perfect consistency. Not that he would be ashamed to change his mind if it were proved to him there existed a gross evil, which might be remedied by Elective Institutions--after all other means had failed, for he did not pretend to infallibility.<sup>168</sup> He would bring to this question the best judgment which God had given him; he owed it to this house and the country.<sup>169</sup> But he would call hon. gentlemen to mark his words, that this motion was but one end of the wedge, and the time might come when it would subvert all our institutions, and effect a complete separation from the mother country.--He could only say that he was prepared to stand or fall on the event, and so far as lay in his power, resist the introduction of Republicanism. Between the two systems--Monarchical and Republican, he believed, there was not a mere formal difference; there existed, in reality, an essential difference that was altogether in our favour; and here he would remark that it was the fashion to charge hon. members on his side of the house with succumbing to the Administration. He need scarcely remark how unfounded such a charge was. Nothing was more common than for the party in opposition to charge its opponents with yielding to the Administration. His reply to such a charge was, that hon. gentlemen were themselves best acquainted with the motives which induced them to support the Administration, and that if they were influenced by such a confidence in it as to induce them to give it an enlightened support, they could laugh such charges to scorn; but if they did not feel that confidence, let them withdraw their support at once, for he did not wish to remain in office a single hour, if his conduct did not give entire satisfaction.<sup>170</sup> He would never consent to speak any opinions but his own; he would no more be the slave of the majority of the people than of the minority.<sup>171</sup>

Hear, from MR. BOULTON.<sup>172</sup>

MR. AT. GEN. BALDWIN ((continued:)) The ministry were appointed by the representatives of the people as watchers on the towers, to resist every attempt to interfere improperly with public institutions, and to introduce those measures which they conceived to be requisite. On the other hand, what is the system in the United States? The fact is they have no regular government there at all. In consequence of the bad system of government established in the old colonies, they became so suspicious, that they excluded every member of the Cabinet from their legislature; and consequently, no member of the Cabinet can be held responsible for his conduct, nor could enter into those explanations of the conduct of the Cabinet, or urge on its measures, as a minister is expected to do here. In any point of view, he thought the comparison was decidedly unfavorable to the American system of government; and he must say, that he hoped he would never see his native country cursed<sup>173</sup> with what he believed the worst system<sup>174</sup> by its adoption. There was one remark closely connected with this question of the Legislative Council, which he wished to make. Hon. gentlemen on both sides of the House were too frequently in the habit of speaking in disparaging phrases of that body, and the result was that it was lessened in public esteem more than could be conceived from its position or its organization. And he was only surprised that it had been able to sustain itself so long against the attacks directed against it<sup>175</sup> by all parties and all classes of politicians. Nothing could have enabled ... ((it)) to do so; but the respectability of character of many of the members.<sup>176</sup> There were men in the Legislative Council who would do honour to any body in the world; and if they had not been men of that stamp, it would have been impossible for them to sustain themselves to public estimation against the attacks that were made upon them.<sup>177</sup> It was true that it would never command the same influence as the House of Lords, but instead of honourable gentlemen using every means in their power to destroy that influence entirely they ought to have united in assisting to maintain its dignity. One very common complaint was, that the Bills were carried through that House very expeditiously. If hon.

gentlemen knew anything about the practice of the English House of Lords, they would know that the same complaint was made there, and with as little justice. The fact was that, the great bulk of the business originated with the Lower House, and as it was frequently several weeks before the public, before it reached the other branch of the Legislature, there was seldom occasion for them to take as long to consider it, as would be found necessary where it was first introduced. Hon. gentlemen were well acquainted with that, but yet few ever remembered it, or had the fairness to explain it when they heard that House charged with hasty legislation.<sup>178</sup> He characterized as unjust, uncandid, and untrue, the allegation that bills had been passed through the council without any consideration.<sup>179</sup> He asked with what truth could men speak of the Sovereign being the Fountain of honour, when men formerly esteemed honorable were considered as disgraced, whenever their Sovereign showed her favour for them by calling them to the Upper House.<sup>180</sup> Another accusation was brought against some of the members of that hon. House, that they had been given their seats on the express condition that they should support a certain Bill introduced by the Government. Now he gave that a flat denial--it was not true. It was true that it was found necessary by the present Government to increase the number of Councillors, and they appointed, very naturally, men of their own party to those seats; but not a single man was called to sit in it, on the understanding that he would support any particular measure. He would always be ready to condemn the summoning by wholesale of members to the Council, for the purpose of carrying any measure. He believed that it was not now an obstructive body--that it was so acted upon by public opinion, that it would not oppose the popular will; it might not be prepared to pass every measure immediately--it might be necessary that the people should discuss some subjects more fully, and express their views more decidedly, before they would move--but these measures would be better so carried than by filling the Council to accomplish it. The hon. member had complained of the Home Government because of the reservation of Bills; it was not right to blame the Imperial authority--it was them (the Ministry) they ought to blame--and they would be prepared to meet him. Some bills were, to be sure, reserved by statute; but he should not attack the Home Government as if it interfered with our local affairs--for no such attempt had been made. The hon. member had said, that if the power of rejection were not exercised, it ought to be abolished. So he supposed he would say of the Crown's prerogative of the veto.<sup>182</sup>

MR. BOULTON--Yes, I would.<sup>182</sup>

MR. AT. GEN. BALDWIN--Yes, he would sweep away the Queen from her throne, and establish a republic in England, and that was the object which he contemplated here.<sup>183</sup>

MR. BOULTON.--No Sir: No Sir: No Sir.<sup>184</sup>

MR. AT. GEN. BALDWIN.--At any rate, that would, he was convinced, be the effect of the honorable gentleman's measures in this colony.<sup>185</sup> But he was satisfied that the people of Canada would stand by their connection with the mother country and the constitution established amongst them, and would not be led away by the open opposition of the hon. member for St. Maurice, or the sapping and mining of the member for Norfolk. His course was plain; he began public life attached to the British Constitution--he saw that the hon. member for St. Maurice laughed, and he rejoiced to see it; he desired not his friendship; the hon. members (sic) had said the other day, in this Christian country, that he hated the Ministry with a perfect hatred--<sup>186</sup> so he desired that hon. member to cast all his venom and hatred upon him, (Mr. Baldwin.) He (Mr. Baldwin) did not wish his friendship and gloried in his enmity.<sup>187</sup> He always had desired to sustain that constitution, and he hoped that he would continue to do so; he desired no change in it, least of all such changes as the hon. member for Norfolk contemplated.<sup>188</sup>

MR. W. BOULTON (Toronto) had expected to hear arguments against elective institutions. But instead of that, we had heard denunciations against those who advocate these institutions. The day was gone by when these clap-trap arguments would have



any effect.<sup>189</sup> ((He)) had not expected the violent tirade which they had just heard from the hon. Attorney General; he thought that the day had gone by for such clap-trap as talking about attachment to the Mother country.<sup>190</sup> Our constitution was not and could not be a bit like that of Great Britain--no more than the chandelier (pointing to it) is like the sun.<sup>191</sup> Gentlemen on the other side had no reason either to boast of their loyalty. He thought that instead of weakening the connection with Great Britain, the introduction of the elective principle amongst us would only strengthen the tie which united us, would make us more happy and contented than we had ever been before. To talk of England being opposed to it was absurd, for England had recognised the principle for hundreds of years. The hon. member then proceeded to show that Rhode Island and Connecticut had retained the constitutions first granted them by the English Crown, and under them had enjoyed uninterrupted peace and tranquility. The only objection he had to the proposition of his hon. friend from Norfolk was, that he did not go far enough; he would not stop at an Elective Council, he would have an Elective Governor also. They would not then see the scene enacted every seven or eight years for the last half century--a new Governor coming out and connecting himself with one or other party in the country and being hated by the other.<sup>192</sup> Those which had been regarded with the greatest affection by one portion of the people had been despised by the other.<sup>193</sup> It was this that had led to the Rebellion both in Upper and Lower Canada. Lord Metcalfe was very popular with one party and equally unpopular with another, and the same might be said of Lord Elgin. He thought such a system was not suited to the people of this country, they would speedily change it, and he could see nothing against their choosing a hereditary monarchy or an elective Governor.<sup>194</sup> The people would have either one or the other; and if they desired the former why they must have it.<sup>195</sup> We had heard a great deal of the blessings of monarchical institutions; and no one had desired to disparage those institutions. We had been told by the Attorney General, that in England there was more happiness<sup>196</sup>. He was surprised to hear the Attorney General assert that the people of Great Britain enjoyed more happiness<sup>197</sup> and prosperity<sup>198</sup> than any other nation in the world. He (Mr. Boulton) had been in the habit of thinking that there was more ignorance and misery joined to more wealth there than in any other country, and that the people of the United States occupied the most enviable position of all the nations of the world.<sup>199</sup> In the United States, the people are prosperous, happy and generally educated.<sup>200</sup> He did not think, therefore, that it was necessary, that in order to be happy and prosperous, the stars and stripes should float over us, nay, he believed that under the British flag they enjoyed greater advantages, but he did not believe that the institutions of the Mother Country would bear transplanting to this new world. They had Municipal Councils, and what was the Government of Canada but a municipal matter; these Councils had no executive body on their floor; the seats of hon. members opposite, under the constitution, depended on the passage of a bill, and why should the interests of the Province be staked on such a matter as that. The United States constitution was considerably better suited to this country than that of Great Britain, they might adopt it, and still keep the Union Jack flying.<sup>201</sup> He asked why we borrowed their municipal system, assessment system, educational system, in Lower Canada? He must say that he did not think that we could apply the principle of an elective legislative council to our present system; but he must say that he would go for an entire change. There was nothing in the English system that was applicable to our state; and there never would be any peace so long as the attempt was made to apply a system so uncongenial with the wants of the country. He would go for a system that would give the elective principle full scope in all departments; and he did not think it incompatible with British connection. He considered this much better than a system like the one we had at present, which placed the country in a state of semi-revolution every ten years.<sup>202</sup> England did not want a Province constantly in a state of semi-revolution, she wanted a contented people, and elective institutions would secure it. Then they would have self-government, which they had not, so long as the power of vetoing any bill was held by the Imperial authorities.<sup>203</sup>



A few months ago we were told by the newspapers that we could have what we liked; but a few weeks after we heard of the disallowance of a bill passed by New Brunswick for giving bounty to the growers of hemp.<sup>204</sup>

MR. INSP. GEN. HINCKS--perfectly right.<sup>205</sup>

MR. W. BOULTON ((resumed:)) It was the opinion of all eminent statesmen, that the question of separation from England was merely one of time; and it was absurd to expect to maintain the connection by crying loyalty, and shouting hurra for the Queen.<sup>206</sup> The copy right bill was refused the Royal Assent<sup>207</sup> as being injurious to the interests of Britain, and not considered with respect to ours<sup>208</sup> although it had passed both branches of the Canadian Legislature unanimously.<sup>209</sup> With reference to the question of separation he believed that it would come some day; and this was the reason why he was favorable to the reception of Col. Prince's petition the other day.<sup>210</sup> The interests of Canada must be compatible with the interests of Great Britain, or the union between them could not continue to exist, and it was for them to show that their interests were compatible. This change in the constitution would give peace and tranquility<sup>211</sup>. He believed that Canada had lost a great deal of emigration and lagged behind in the career of improvement from the belief that existed that it was in a state of anarchy; and this arose under our present system.<sup>212</sup> People would no longer fear to come to the country, as they had been prevented for years, on account of the anarchy and confusion which prevailed. The hon. member then proceeded at great length to compare the Constitution of the State of New York to that of Canada, giving the advantage in every particular to the former.<sup>213</sup> He compared the system which existed in the state of New York with ours. In the matter of dispensing patronage he considered ours infinitely worse than theirs. He characterized the dispensing of patronage as the greatest curse of any government. If we had a constitution like that which existed in the United States we could deal with any questions and we should not see such scenes as we saw relative to the Clergy Reserves.<sup>214</sup> He mentioned the question of the Clergy Reserves in illustration of the position that our system was defective, and charged the ministry with vacillating conduct.<sup>215</sup>

Upon his referring to the ministerial explanations, MR. COM. CR. LANDS PRICE corrected a statement of Mr. B's., and denied that he (Mr. P.) had said anything on the question of the Crown Land to the hon. member for Kent, as a member of the Government. It was merely in private conversation.<sup>216</sup>

MR. W. BOULTON ((resumed:)) Another provision which existed in the constitution of the state of New York was that the Governor might come down at periodical times and recommend measures which he might deem for the good of the country. He instanced the recommendation of Governor<sup>217</sup> DeWitt<sup>218</sup> Clinton to construct the<sup>219</sup> great project of the Erie Canal<sup>220</sup> and considered the system beneficial. The honorable member went on to compare the government of the State of New York with ours in detail. He stated that there was in New York a check on the Governor,<sup>221</sup> ((by)) the power of carrying questions when vetoed, by the Governor, by a vote of two-thirds;<sup>222</sup> and also in the Senate;<sup>223</sup> ((and)) the power of impeachment;--the mode of laying out public money;<sup>224</sup> while here the Governor was held to be obliged to give his assent to bills, and the ministry of the day had the power of swamping the Upper House. As regarded practical working, the one was a government of checks, the other a rampant democracy. He remarked on the number of bills introduced every session by individual members, some of which would in effect do away with the whole law of the country. This evil would be avoided by the appointment of a Commission of investigation similar to that which existed in the State of New York. The hon. member went on to argue that a check similar to that which existed in New York on the subject of money appropriations would be very desirable<sup>225</sup>; the adoption of general laws; the banking system, &c., Mr. B. avowed himself in favor of the elective principle being carried out in every department.<sup>226</sup>

MR. INSP. GEN. HINCKS said, that the hon. member for Toronto had forgot (sic) to

tell them, in reference to the State of New York, that it occurred but seldom there, that members of the Legislature misrepresented the opinions of their constituents; he was astonished when he heard the hon. member enunciate such sentiments, when he reflected how totally they differed from those of the people of Toronto. Could the hon. member say that he was supported by even a fraction of his constituents.<sup>227</sup>

MR. W. BOULTON--Yes: his views were those of three-fourths of his constituents.<sup>228</sup>

Cries of no, no, from all parts of the house.<sup>229</sup>

MR. INSP. GEN. HINCKS was satisfied that no other member would agree with the hon. member in his statement, and he did say, that when the hon. member changed his views so greatly from those he had entertained when elected, he was bound to go back to his constituents for their approval.<sup>230</sup>

MR. W. BOULTON said that he did not mean by what he had said, to imply that his constituents were in favor of annexation.<sup>231</sup>

MR. INSP. GEN. HINCKS--If the hon. member thought that he could carry out the changes he proposed without ending in annexation, he was sure, that he stood alone in his opinion. He could understand the members for St. Maurice and Stanstead urging those views, they were consistent in doing so, but he could not understand the propriety of such a course on the part of the hon. members for Norfolk, and Toronto. He did not believe those opinions were generally held by the party to which the latter hon. member had belonged.--The hon. member had referred to two colonial measures which had been refused the sanction of the imperial authority. In reference to the first of these, the copy-right bill, he (Mr. H.) was fully prepared to justify the course the home government had pursued. He considered that the use of works without any remuneration to the author, as much a robbery as taking bales of merchandise, and the government were justified in taking steps to secure the right of authors in a proper manner.<sup>232</sup>

MR. W. BOULTON.--Why did you vote for the Bill?<sup>233</sup>

MR. INSP. GEN. HINCKS explained that the Bill was not intended to rob the British author, but to protect him in another way which was not thought practicable. With regard to the disallowance of the Bill to give a bounty on hemp in New Brunswick, it was contrary to all the principles of the Home Government,<sup>234</sup> in direct contravention of the commercial policy of Great Britain for many years past, and it was impossible to carry it out without violence to every principle which they had laid down<sup>235</sup> and he thought the disallowance was right.<sup>236</sup> The hon. member had twitted the members of the government with borrowing their municipal bill of last session from the United States act. There was no municipal bill of last session from the United States act. There was no municipal bill of the United States as the hon. member, who was so well versed in these matters, might have known--the United States had nothing to do with municipal arrangements. If he meant the State of New York, there was no similarity between the municipal systems of Canada and that State or any other State, so far as he (Mr. H.) knew. The school bill was not drawn from the United States more than from any other country; it was in use in Scotland. The member for Norfolk was so singularly unfortunate in the way of bringing forward his measures, that even those disposed to support their principles were compelled to vote against them. He did not desire to pledge himself against an elective Legislative Council, but he desired to see the subject brought forward in a definite statesman-like manner.<sup>237</sup> He did not altogether agree with his hon. friend the Attorney General<sup>238</sup> on the subject<sup>239</sup>. He had experience to support his opinion, for<sup>240</sup> he had seen two elective houses in Belgium working well with the government. There was a want of plan in the proposition, and<sup>241</sup> he complained that the Hon. Mr. Boulton had mixed up other questions about a convention for instance, and therefore he could not vote for it.<sup>242</sup> He thought, in a question of such importance, the flanks should have been filled up, and they would have seen how it was proposed to



constitute the chamber. It should be remembered that there were two parties demanding the measure—one wished it as a conservative measure, because they believed the government too democratic, and another to render it more democratic. When these two came to discuss the details of the measure, it would be seen that their views were wholly irreconcilable (sic) with each other. As the hon. member for Cornwall had said, there was no scheme before on which to vote, and the only course left open to him (Mr. H.) was to vote against the resolution.<sup>243</sup> He concurred with what had been said by the Attorney General with reference to the present Legislative Council.<sup>244</sup> As to the charge made against the administration of filling the Council with their own friends to carry their measures, there was not the slightest ground for such a charge. When the members of the present cabinet went into power, there were only five or six of the twenty-nine members of the Council friendly to their policy; but notwithstanding this, they only added six to the number, and of these, two never took their seats. They were succeeded in 1843 by the late administration, who, although there was a large preponderance of members in favour of their party, appointed eight new members to the body. When the present administration came into power, there were thirty-six members of the Council, of whom twenty-three were of the other party, and thirteen, although not partisans, were not inclined to oppose their measures. The administration had appointed twelve members, only four more than the last, and as two of their former appointments had never taken their seats, and Mr. Sullivan had been placed on the bench, they did not secure by so doing even an equality in the house, and these were absolutely necessary to secure a sufficient attendance to carry on the business. Neither were these gentlemen partisans of the ministry, two of them had given constant opposition during last session. It could not be charged against the administration that the persons were not eligible to the station to which they were appointed, being generally possessed of large fortunes.<sup>245</sup>

MR. WILSON was sorry to see much time wasted on this subject.<sup>246</sup> ((He)) was surprised at Mr. Boulton bringing forward this resolution<sup>247</sup>, to hear, not the hon. member for Norfolk—he was not surprised at anything from him—but the hon. member for Toronto (Mr. Sherwood)<sup>248</sup> declaring himself in favor of an Elective Upper House, for the reason which he gave, that he was ashamed of the way they conducted public business.<sup>249</sup> He had often seen bills hurried through that House, read short, as the hon. member had expressed it. Did he never remember seeing bills pass through that House quickly? not even the notes read but only the titles, yes, and at his own (Mr. S.'s) request. The hon. member had said, too, that the new House would be filled with the elite of the Province, and would attain to new dignity in the eyes of the people of the Province. He would suppose that the change was made, and that the elite of this House were transferred to the new House, the members for Kent, for Toronto, for Sherbrooke, and for Norfolk, would it not be the very same kind of bear garden that this was.<sup>250</sup> He did not think that making it elective would make it more respectable.<sup>251</sup> He was indignant at what had been said that night, and on another occasion against the members of the Council.<sup>252</sup> He deprecated the speaking contemptuously of the other House.<sup>253</sup> Gentlemen would have us to believe that they were a set of ninnies. What right had they thus to condemn them; had they not equal right to condemn us, and had they ever expressed any such feelings. He was sure that they would all acknowledge that the country had good reason to be disgusted with this house. He thought it was the duty of every person to engage in the work of practical reform, and to avoid these discussions on changes of the constitution. When a party was turned out of office, or something did not go smoothly in England, or the United States, they did not immediately begin to call out for a change in the constitution; it was their duty to cease thinking of such things, and turn their attention to the real business of the country, which had been seriously retarded.<sup>254</sup> Mr. W. referred to the former loyalty of Mr. Boulton (of Toronto)<sup>255</sup>. He thought a change had come over the spirit of the dream of the hon. member ... who from being an admirer of royalty had become an admirer of every thing in the State of New York.<sup>256</sup> He was surprised at him also. He argued that the present breaking up of parties was owing to a departure from the system of responsible government, and



seeking changes in the constitution.<sup>257</sup> He believed the scheme of the hon. member was incompatible with British connection.<sup>258</sup> He hoped there would be an end of these discussions.<sup>259</sup>

MR. BADGLEY, from the position in which he stood to the reporters' box, was not distinctly audible.<sup>260</sup> ((He)) rose amid cries of question.<sup>261</sup> He was understood to say that the disputes in the Old Colonies were not new, but had existed in the old colonies, in Upper Canada, in Lower Canada, and also in the Union.<sup>262</sup> He was understood to say, that it had been too much the practice to speak disparagingly of the other branch of the Legislature; neither side had ever given a fair character to its members.<sup>263</sup> He was in favor of treating the Upper House with respect.<sup>264</sup> It was admitted on all hands that an upper house was necessary, and the question was, should it be appointed by the royal prerogative or elected by the people. In the former case it would always be appointed by the ministry of the day.<sup>265</sup> He thought it impossible to extend the elective principle to the Governor, without trespassing on the rights of the Imperial authority. His own opinion was however in favour of the elective principle which he thought might be introduced to a certain extent as well in connection with Britain as if separated from her.<sup>266</sup> An Elective Council he did not consider incompatible with British connection.<sup>267</sup> He did not think however that the House should go in advance of the people on the subject; it should rather follow than lead.<sup>268</sup>

MR. M. CAMERON (of Kent) had not expected to have seen the question brought forward as it has been to-night. He hoped that a measure on the subject would have been introduced and read a first time and then be referred to a special committee.<sup>269</sup> It was absolutely necessary that the ministry should have made the appointments to the Council, in his opinion, represented the talent and wealth of the community as fully as that House did.<sup>270</sup> He had not heard any argument against the principle of the measure. While there was danger of a collision with the Home Government, in seeking such a change in the constitution, he had been opposed to it, but when we were told by the Imperial Government that elective institutions would be granted if we chose to ask for them, he thought it was a little extra loyal for gentlemen to get up in this House and charge those who sought to effect this change with being annexationists. From what had been said tonight it would appear the Ministry were divided in opinion on the question among themselves.<sup>271</sup> He was unwilling to raise points of difference with the Attorney General West, and could not help remarking that it was somewhat strange for that hon. gentleman to charge all those who were in favour of an Elective Legislative Council with being annexationists. If the Attorney General was right, then the Inspector General was an annexationist, for he, it appeared, differed from his colleague.<sup>272</sup> However they must settle that difficulty among themselves.--This question had been discussed tonight as if it were a new one, but do gentlemen pretend to be ignorant that it has been discussed in the country, by the press<sup>273</sup>. The people had made up their minds on this subject, their table had been loaded with petitions in favour of liberalizing our institutions, of extending the franchise, allowing the people to elect all officers paid by themselves<sup>274</sup>. He declared his firm belief that if we wish to prevent annexation we must liberalize our institutions and keep pace with the age. We must have nothing to envy on the other side of the line. We must extend the franchise, and apply the elective principle to Sheriffs, Clerks of the Peace and all local officers.--He held in his hand a petition from a county council; two from the county of Middlesex; the Niagara district had also spoken out on this question, and the people of the western part of the Province had<sup>275</sup> expressed themselves at public meetings in favor of it.<sup>276</sup> The Attorney General was quite shocked<sup>277</sup>. ((He)) had denounced these constitutional changes, and declared that<sup>278</sup> when he was in opposition he had not resorted to such means of opposition. That might be true of the past four years, but if he went back to the time of Sir F.B. Head, he would find it was different then. He had then wished to alter the constitution; to tinker it,<sup>279</sup> and declared that he would not rest until he had accomplished ((this))<sup>280</sup> and even in Lord Sydenham's time,

similar changes were proposed.<sup>281</sup> If the people now felt that the extension of the elective principle to the Upper House and to local officers was necessary, why should the hon. gentleman oppose their wishes? The hon. member for Cornwall could not (sic) see how such a system could work with responsible government. He saw no difficulty. Let both Houses be dissolved, if necessary, just as the Lower House is dissolved now. The member for Sherbrooke (Col. Guly) was horrified at these changes in the constitution, and thought it strange to see such a combination of parties in the work of "tinkering." He, Mr. C., had also seen strange things and strange combinations, but one of the strangest things he had seen for some time was to see the Hon Attorney General on such intimate terms with, and approving all the sentiments of the Hon. Member for Sherbrooke (Col. Guly). He Col. G. had spoken contemptuously of shoemakers and tinkers who could speak more languages, were better read, and more fit to occupy seats in that House than some persons he might mention. No respect was paid to the petitions of the people, or to the voice of the true reform press, but the time would come when it would be otherwise. He desired to see the question referred to a large committee, and the details brought into a more intelligible shape.<sup>282</sup>

COL. GULY said something about tinkering politicians.<sup>283</sup>

MR. ROBINSON made a few remarks against the project of an elective Council. He did not see how we could have it and not go into republicanism. He would be willing to refer the petitions alluded to by the hon. member to a select committee and if they could report any well digested plan he would give it his consideration. He would vote against the resolutions.<sup>284</sup>

MR. MCCONNELL was in favor of an elective Legislative Council. He thought it would make that body more independent, for it was impossible that their appointment by an Administration should not have some effect on their conduct.<sup>285</sup> He believed that it would do away with many of the difficulties which existed under the present system. One advantage that he considered would accrue from it would be, that the Legislative Councillors would come from all parts of the country, instead of, as at present, from the towns.<sup>286</sup> There was none for his county for instance, and he knew no body to present petitions for him. The new system would remedy that.<sup>287</sup> He would pay them for their services. He would vote in favor of the resolutions.<sup>288</sup>

MR. HOLMES complained of the time that had been wasted in discussing the hon. member's indefinite resolutions. He would, however, vote for them, as he believed<sup>289</sup> the elective principle was required by the people. It would be said those who advocated annexation in the House, advocated elective institutions with a view of forwarding annexation; but he would venture to say that if the elective principle was generally adopted, annexation would go no further.<sup>290</sup> ((It)) would be no longer necessary; we should have nothing to envy in the neighbouring republic as to politics at any rate.<sup>291</sup> He would prefer that the hon. member for Norfolk should, for the present, withdraw his resolutions,<sup>292</sup> in order that a more definite one might be introduced,<sup>293</sup> or submit them to a committee.<sup>294</sup> Even if this were not done he should vote for it<sup>295</sup>.

MR. AT. GEN. BALDWIN had not said, as the hon. member for Kent had represented, that all who were in favour of the elective Council were annexationists; he had expressly stated that many of his friends with whom he had pleasure in acting were favourable to it; he had said that the results to be feared from it and similar changes were annexation.<sup>296</sup>

MR. H. BOULTON complained that he had been discourteously treated by the hon. Attorney General West.<sup>297</sup> ((He)) repelled the charge preferred against him by the Attorney General West, of sapping and mining to overturn the British constitution.<sup>298</sup> He did not think that that hon. member had expressed himself, or had been so strongly in favor of the British constitution in 1837<sup>299</sup> which he now charged others with a desire to subvert; but he (Mr. Baldwin) had frequently been charged on the floor of this House with doing any thing but what his duty required. It was very easy to charge any one with sapping and mining but whoever does so, instead of arguing, must



be either a rogue or a fool. He ridiculed the attempt of the Attorney General West to fix upon him the charge of "black ingratitude" in bringing forward these resolutions. He (Mr. Boulton) had read extracts from speeches of members of the House of Commons, in which it was stated that no opposition would be offered to us, if we desired to get an elective Legislative Council, and yet we were to be told that it was "black ingratitude" to ask what England had declared her willingness to grant. He ridiculed the assertion of Mr. Baldwin that the government must watch over the Legislation of the House, and dwelt upon the refusal to let the other members try their hands at Legislation.<sup>300</sup> The hon. member proceeded to make a general reply to the debate, and to enlarge on his resolutions.<sup>301</sup>

MR. J. SMITH, of Durham, considered the proposal to have a Colonial Representation in the Imperial Parliament as a perfect farce. As to a Legislative Council, he should like to hear stronger reasons adduced than those which had been advanced by the hon. member who seconded the motion; and should have been glad to have him point out some practical evil which arises from the manner in which it is at present constituted. It was not a little remarkable, he said, that the hon. member for Norfolk had not thought of the proposed alteration some fifteen years since, when he held a situation in the government and parliament, and when the Council thwarted the wishes of the people. This would not have been a proof of his sincerity. He had searched, and found that the expense of the Legislature is about £500 a day. He wished it therefore to be known, that several days had been consumed in fruitless debate, and for no other purpose except that the hon. member might hear himself talk, or that an opportunity might be afforded to attack the government. Up to the middle of last session, no one was more obsequious towards the government, than the learned member himself; and he was most indefatigable in his support of the Judicature Bill, which was brought in towards the close.—Now he says he wants a government of law, and not of discretion. He (Mr. S.) expected that he would have specified some instance where the exercise of the prerogative had been censurable; but, on the contrary, he had designated the members of the Upper House as being as intelligent a body as is to be found in the country. He (Mr. S.) would take the liberty of telling the learned member for Norfolk—for it was a subject of notoriety in the papers—and with the utmost respect, that, with reference to any disappointment he might have met with as to a recent appointment, it was universally considered that the government had exercised a wholesome discretion in refusing him the situation alluded to.<sup>302</sup>

MR. H. BOULTON called the hon. member to order. If any friend of the government was desirous of discussing the measure referred to, he was ready to do so; but he considered it extremely unfair to make those personal allusions.<sup>303</sup>

MR. J. SMITH replied, that what he had said arose from what the learned member had stated himself. Whenever the Government shall be proved not to have exercised a sound discretion, he would join the learned member for Norfolk, in any course which it might be proper to pursue.<sup>304</sup>

MR. CHRISTIE rose to correct an error into which the member for Durham had fallen; £500 per diem was about £200 more than the actual amount. How much it would cost the country if the House went on as it had done during the last three weeks, it was impossible to determine—probably six months.<sup>305</sup>

MR. J. SCOTT, of Bytown, agreed to some extent with the learned member for Norfolk; for whether the Legislative Council were elective or not, it was perfectly useless; and those who were acquainted with the history of the United States, must be aware that it has been frequently proposed to abolish the Senate in that country. If the learned member would bring his resolution in a different shape, he (Mr. S.) would vote for it; but as it stood, it was perfectly useless. The learned member did not seem to know what he wanted himself. The League had broached the same doctrine as they had heard that night, but its members could not agree as to any one measure.<sup>306</sup> The hon. member proceeded to make some remarks on our present system



of Government. 307

(41)

The House divided: and the names being called for, they were taken down, as follow:--

YEAS.

Messieurs Boulton of NORFOLK, Boulton of TORONTO, Burritt, Cameron of KENT, Christie, DeWitt, Holmes, Hopkins, Johnson, LaTerrière, McConnell, Papineau, Prince, and Sanborn.--(14.)

NAYS.

Messieurs Armstrong, Badgley, Attorney General Baldwin, Bouthillier, Cameron of CORNWALL, Cartier, Cauchon, Cayley, Chabot, Chauveau, Davignon, Dickson, Solicitor General Drummond, Duchesnay, Flint, Fortier, Fournier, Fourquin, Gugy, Guillet, Hincks, Jobin, Lacoste, Attorney General LaFontaine, Laurin, Lemieux, Lyon, Solicitor General Macdonald, Malloch, Marquis, McLean, Méthot, Morrison, Notman, Price, Robinson, Ross, Sauvageau, Scott of BYTOWN, Scott of TWO MOUNTAINS, Seymour, Sherwood of BROCKVILLE, Sherwood of TORONTO, Smith of DURHAM, Smith of WENTWORTH, Stevenson, Taché, Viger, and Wilson.--(49.)

So it passed in the Negative.

Bill relating to British Plantation Vessels.

Ordered, That the Honorable Mr. Cameron of Cornwall have leave to bring in a Bill to amend an Act to secure the right of property in British Plantation Vessels navigating the inland waters of this Province, and not registered under the

Act of the Imperial Parliament of the United Kingdom passed in the third and fourth years of the Reign of His late Majesty King William the Fourth, intituled, "An Act for the registering of British Vessels, and to facilitate transfers of the same, and to prevent the fraudulent assignment of any property in such vessels."

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time, on Monday next.

Bill to restrain technical objections in Law Suits.

Ordered, That the Honorable Mr. Cameron of Cornwall have leave to bring in a Bill to restrain technical objections in Suits at Common Law.

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time, on Monday next.

Municipal Law (L.C.) Bill.

Ordered, That Mr. Scott of Two Mountains have leave to bring in a Bill to amend the Municipal Law of Lower Canada.

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time, on Monday next.

Bill relating to Foreign Judgments.

Ordered, That the Honorable Mr. Cameron of Cornwall have leave to bring in a Bill to facilitate the admission in Evidence of Foreign Judgments, and certain official and other documents.

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time, on Monday next.

On motion of Mr. Christie, seconded by Mr. DeWitt,

Fisheries.

Resolved, That an humble Address be presented to His Excellency the Governor General, praying him to cause to be laid before this House, copies of any Despatches which may have been received by His Excellency from the Imperial Government, relating to the Fisheries carried on from the District of Gaspé or other parts in this Province, or to the relief of the

said Fisheries, by exempting Salt, or other articles necessary in carrying on the same, from the duties imposed by the Tariff or Duties of Customs imposed by Law at the last Session of the Legislature of this Province.

Ordered, That the said Address be presented to His Excellency the Governor General, by such Members of this House as are of the Honorable the Executive Council of this Province.

On motion of the Honorable Mr. Boulton, seconded by the Honorable Mr. Robinson,

Quebec Fire  
Loan.

Resolved, That an humble Address be presented to His Excellency the Governor General, praying him to cause to be laid before this House, a Return, in tabular form, setting

forth the names and calling of all persons to whom money or debentures have been advanced by the Provincial Government on occasion of the late Fires at Quebec; the amount advanced to each; the rate of interest to be paid therefor; the period for which each loan shall have been made; the manner and time of payment of principal and interest; and whether the loan to be expended in the re-erection of the premises burnt, or for what other object; the nature and value of the property whereon each loan shall have been made; the expense already incurred by the Government on account of such loan, whether for legal advice or otherwise; the name and emoluments of any person employed to collect the interest; the amount actually received by Government on account thereof, and rate and amount of interest paid by the Government for the debentures issued.

(42)

Ordered, That the said Address be presented to His Excellency the Governor General, by such Members of this House as are of the Honorable the Executive Council of this Province.

MR. INSP. GEN. HINCKS<sup>308</sup>, seconded by MR. AT. GEN. BALDWIN, moved that the despatch of His Excellency and the accompanying documents on the subject of the Industrial Exhibition be referred to a select committee. As the hour was late the hon. member said, that he would make only very few remarks on the subject. He stated that it had excited a good deal of interest in some parts of the Province, and particularly in the city of Montreal. He believed that Canada would make a good exhibition.<sup>309</sup>

After a few more remarks the hon. member's motion was carried without a division, or farther (sic) discussion.<sup>310</sup>

(42)

Industrial  
Exhibition  
in London.

Resolved, That the Message of His Excellency the Governor General, delivered to this House on the twenty-ninth of May last, with the accompanying documents, on the subject of the Industrial Exhibition to take place in London in 1851, be referred to a Select Committee, composed of Mr. Gugy, the Honorable Mr. Badgley, Mr. Cartier, Mr. Chauveau, Mr. Dumas, Mr. Fergusson, Mr. Flint, Mr. McFarland, the Honorable Mr. Robinson, the Honorable Mr. Sherwood, and Mr. Taché, to report thereon with all convenient speed; with power to send for persons, papers, and records.

Members who  
do not pay  
their Debts.

Mr. Smith of Durham moved, seconded by Mr. Morrison, and the Question being put, That leave be given to bring in a Bill to provide for vacating the seats of Members of the Legislative Assembly of this Province who do not pay their

Debts;<sup>311</sup>

MR. J. SMITH explained the nature of the bill and read several clauses.<sup>312</sup>

It was objected to by many hon. members.<sup>313</sup>



(42)

The House divided: and the names being called for, they were taken down, as follow:--

YEAS.

Messieurs Cartier, Chabot, DeWitt, Holmes, Solicitor General Macdonald, Malloch, Morrison, Notman, Papineau, Sanborn, Smith of DURHAM, and Viger.--(12.)

NAYS.

Messieurs Badgley, Attorney General Baldwin, Boulton of NORFOLK, Bouthillier, Cameron of CORNWALL, Cauchon, Cayley, Christie, Davignon, Solicitor General Drummond, Duchesnay, Dumas, Fortier, Fournier, Hincks, Hopkins, Johnson, LaTerrière, Méthot, Price, Robinson, Ross, Sauvageau, Scott of TWO MOUNTAINS, Seymour, Sherwood of TORONTO, Stevenson, and Taché.--(28.)

So it passed in the Negative.

Law of Evidence (L.C.) Bill.

Ordered, That the Honorable Mr. Badgley, have leave to bring in a Bill to improve the Law of Evidence in Lower Canada.

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time, on Monday next.

Library.

Resolved, That a Select Committee of seven Members, composed of the Honorable Mr. Sherwood, Sir Allan N. MacNab, the Honorable Mr. Papineau, the Honorable Mr. Macdonald, Mr. Bouthillier, Mr. Chauveau, and the Honorable Mr. Boulton, be appointed to assist Mr. Speaker in the direction of the Library, to which shall be referred all matters relating thereto; with power to report from time to time.

Leave of absence.

Ordered, That Mr. Egan have leave to absent himself from this House during six weeks, on urgent private business.

River du Chêne Bill.

The Order of the day for the second reading of the Bill to amend the Act passed during the last Session for the improvement of the River du Chêne, in the County of Two Mountains, being read;

The Bill was accordingly read a second time; and ordered to be engrossed.

Adjournment.

Mr. Taché moved, seconded by Mr. Dumas, and the Question being put, That this House do now adjourn;

The House divided :

Yeas, 11.

Nays, 17.

So it passed in the Negative.

Notarial Profession Organization Bill.

The Order of the day for the second reading of the Bill to amend and consolidate the Act providing for the organization of the Notarial Profession in Lower Canada, being read;

Ordered, That the Bill be read a second time, on Wednesday next.

Multiplication of Law Suits &c., Prevention Bill.

The Order of the day for the second reading of the Bill to amend an Act passed in the fifth year of the Reign of His late Majesty King William the Fourth, intituled, "An Act to prevent the unnecessary multiplication of Law Suits, and increase of Costs in actions on Notes, Bonds, Bills of Ex-

change, and other instruments," being read;

The Bill was accordingly read a second time; and ordered to be engrossed.

Bill relating to certain Promises and Engagements.

The Order of the day for the second reading of the Bill for rendering a written memorandum necessary to the validity of certain promises and engagements, being read;



The Honorable Mr. Cameron of Cornwall moved, seconded by the Honorable Mr. Cayley, and the Question being put, That the Bill be now read a second time;

The House divided: and the names being called for, they were taken down, as follow:--

YEAS.

Messieurs Badgley, Attorney General Baldwin, Bouthillier, Cameron of CORNWALL, Cartier, Cayley, Davignon, DeWitt, Fortier, Fournier, Malloch, Notman, Papineau, Price, Robinson, Sanborn, Scott of TWO MOUNTAINS, and Taché.--(18.)

NAYS.

Messieurs Hopkins, Johnson, Seymour, and Stevenson.--(4.)

So it was resolved in the Affirmative.

The Bill was accordingly read a second time; and committed to a Committee of the whole House, for Wednesday next.

Slander and Libel Law Bill.

The Order of the day for the second reading of the Bill to amend the Law relating to Slander and Libel, being read;

Ordered, That the Bill be read a second time, on Wednesday next; and that it be then the first Order of the day.

Quebec Incorporation Bill.

The Order of the day for the second reading of the Bill to amend and consolidate the provisions contained in the Ordinances to incorporate the City and Town of Quebec, and

to vest more ample powers in the Corporation of the said City and Town, being read;

Ordered, That the Bill be read a second time, to-morrow.

Bill to exclude certain persons from Offices.

The Order of the day for the second reading of the Bill to exclude persons from Offices who have been concerned in creating them, or increasing their emoluments, being read;

Ordered, That the Bill be read a second time, to-morrow.

Criminal Laws Consolidation Bill.

The Order of the day for the second reading of the Bill to amend and consolidate the Criminal Laws of this Province, being read;

Ordered, That the Bill be read a second time, on Wednesday, the twelfth instant.

Code of Criminal Procedure Bill.

The Order of the day for the second reading of the Bill to establish a Code of Criminal Procedure in this Province, being read;

Ordered, That the Bill be read a second time, on Wednesday, the twelfth instant.

(43)

Bill relating to Buoys on certain shoals.

The Order of the day for the second reading of the Bill to oblige the Trinity House of Quebec to lay down Buoys to mark the shoals in the north channel of the River St. Lawrence, and to facilitate the traverse from Cape Tourmente to Isle

aux Reaux, being read;

Ordered, That the Bill be read a second time, to-morrow.

Usury Law Bill.

The Order of the day for the second reading of the Bill to alter the Law of Usury, being read;

Ordered, That the Bill be read a second time, to-morrow.

Wesleyan Ministers Relief Bill.

The Order of the day for the second reading of the Bill to relieve Ministers of the Wesleyan Methodist Church in Canada from the obligation to obtain Special Licenses in order to keep Registers of Baptisms, Marriages, and Burials in

Lower Canada, being read;

Ordered, That the Bill be read a second time, to-morrow.

Saguenay  
Second Muni-  
cipal Council  
Bill.

The Order of the day for the second reading of the Bill to authorize the inhabitant householders holding lands in the new settlements on the borders of the Saguenay, forming the second Municipal Division of that County, to establish a Municipal Council therein, and for other purposes, being

read;

Ordered, That the Bill be read a second time, to-morrow.

Chambly  
Turnpike  
Road Bill.

The Order of the day for the second reading of the Bill to amend the Ordinance relating to the Longueuil and Chambly Turnpike Road, being read;

Mr. Davignon moved, seconded by Mr. Bouthillier, and the Question being put, That the Bill be now read a second time;

The House divided: and the names being called for, they were taken down, as follow:--

YEAS.

Messieurs Badgley, Attorney General Baldwin, Bouthillier, Cameron of CORNWALL, Cartier, Cayley, Davignon, Fortier, Fournier, Guillet, Hopkins, Jobin, Johnson, Lacoste, Laurin, Malloch, Notman, Papineau, Price, Robinson, Sanborn, Sauvageau, and Taché.--(23.)

NAYS.

Messieurs DeWitt, and Scott of TWO MOUNTAINS.--(2.)

So it was resolved in the Affirmative.

The Bill was accordingly read a second time; and committed to a Committee of the whole House, for Wednesday next.

Real Property  
Registration  
Bill.

The Order of the day for the second reading of the Bill to amend the Ordinance which provides for the Registration of Titles to and Incumbrances on Real Property, being read;

Ordered, That the Bill be read a second time, to-morrow.

Then, on motion of Mr. Scott of Two Mountains, seconded by Mr. Bouthillier, The House adjourned.

APPENDIX: 3 JUNE 1850.

((QUESTION AND ANSWER RE: REDUCTION OF HILLS IN SIMCOE COUNTY.))<sup>314</sup>

MR. ROBINSON enquired of ministry, whether it was the intention of the Government, during the present Summer, to expend the money granted for reducing the hills on the Town Line, between Mono and Adjala, in the County of Simcoe?<sup>315</sup>

MR. INSP. GEN. HINCKS replied, that he could not give any position (sic) information.<sup>316</sup> If the hon. Commissioner of the Board of Works had been present, he could have explained. He, however, hoped to be able to state the intention of the ministry in a few days.<sup>317</sup>

((QUESTION AND ANSWER RE: DUTY ON FLOUR IMPORTED FROM CANADA.))<sup>318</sup>

MR. HOLMES ((asked a question.))<sup>319</sup>

MR. INSP. GEN. HINCKS said that he had much pleasure in informing the House that he had that day received a letter from a commercial House in Hamilton, stating that they had received a telegraphic despatch from Halifax, informing them that the duty<sup>320</sup> lately imposed by the Legislature of Nova Scotia of 1s per barrel<sup>321</sup> on Canadian flour had been taken off in consequence of the representations of this Government.<sup>322</sup> The government had no official information on the subject<sup>323</sup> ((but)) he (Mr. H.) had no doubt that the information was correct.<sup>324</sup>

((QUESTION AND ANSWER RE: MUNICIPALITIES OF LOWER CANADA.))<sup>325</sup>

MR. REC. GEN. TACHE enquired of the ministry whether they intend to bring in during the present session a bill for regulating the municipalities of Lower Canada; and if so, whether the said bill includes all the necessary provisions respecting roads and their repair and management, and the regulation of rural matters generally, and whether it repeals all the existing laws on these subjects.<sup>326</sup>

MR. SOL. GEN. MACDONALD said that was originally the intention of the government but they were not sure whether it would be introduced this session.<sup>327</sup>



FOOTNOTES: 3 JUNE 1850.

1. The following papers reported the debate on this matter in identical accounts: NORTH AMERICAN, 7 June 1850, and EXAMINER, 12 June 1850. The following papers reported the debate in partially identical accounts: BRITISH COLONIST, 7 June 1850, HAMILTON SPECTATOR, 8 June 1850, PILOT, 8 June 1850, PACKET, 15 June 1850; EXAMINER, 5 June 1850, and BATHURST COURIER, 14 June 1850. The debate was also reported by: BRITISH COLONIST, 4 June 1850; MONTREAL GAZETTE, 7 June 1850; JOURNAL DE QUEBEC, 8 June 1850; and L'AVENIR, 15 June 1850. BRITISH COLONIST, 4 June 1850; NORTH AMERICAN, 4 June 1850; MONTREAL TRANSCRIPT, 8 June 1850; PILOT, 8 June 1850; KENT ADVERTISER, 13 June 1850; LA MINERVE, 10 June 1850; and JOURNAL DE QUEBEC, 15 June 1850, noted the debate. A commentary appeared in MONTREAL TRANSCRIPT, 8 June 1850.
2. EXAMINER, 12 June 1850.
3. BRITISH COLONIST, 4 June 1850.
4. L'AVENIR, 15 June 1850.
5. MONTREAL GAZETTE, 7 June 1850.
6. HAMILTON SPECTATOR, 8 June 1850.
7. BRITISH COLONIST, 4 June 1850.
8. HAMILTON SPECTATOR, 8 June 1850.
9. BRITISH COLONIST, 4 June 1850.
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11. BRITISH COLONIST, 4 June 1850.
12. HAMILTON SPECTATOR, 8 June 1850.
13. BRITISH COLONIST, 4 June 1850.
14. MONTREAL GAZETTE, 7 June 1850.
15. HAMILTON SPECTATOR, 8 June 1850.
16. EXAMINER, 12 June 1850.
17. MONTREAL GAZETTE, 7 June 1850.
18. HAMILTON SPECTATOR, 8 June 1850.
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20. EXAMINER, 12 June 1850.
21. L'AVENIR, 15 June 1850.
22. HAMILTON SPECTATOR, 8 June 1850.
23. MONTREAL GAZETTE, 7 June 1850.
24. HAMILTON SPECTATOR, 8 June 1850.
25. MONTREAL GAZETTE, 7 June 1850.
26. BRITISH COLONIST, 4 June 1850.
27. EXAMINER, 12 June 1850.
28. BRITISH COLONIST, 4 June 1850.
29. HAMILTON SPECTATOR, 8 June 1850.
30. MONTREAL GAZETTE, 7 June 1850.
31. BRITISH COLONIST, 4 June 1850.
32. MONTREAL GAZETTE, 7 June 1850.
33. BRITISH COLONIST, 4 June 1850.
34. MONTREAL GAZETTE, 7 June 1850.
35. HAMILTON SPECTATOR, 8 June 1850.
36. EXAMINER, 12 June 1850.
37. HAMILTON SPECTATOR, 8 June 1850.
38. MONTREAL GAZETTE, 7 June 1850.
39. EXAMINER, 12 June 1850.
40. HAMILTON SPECTATOR, 8 June 1850.
41. MONTREAL GAZETTE, 7 June 1850.
42. HAMILTON SPECTATOR, 8 June 1850.
43. EXAMINER, 12 June 1850.
44. HAMILTON SPECTATOR, 8 June 1850.
45. MONTREAL GAZETTE, 7 June 1850.

46. HAMILTON SPECTATOR, 8 June 1850.
47. BRITISH COLONIST, 4 June 1850.
48. HAMILTON SPECTATOR, 8 June 1850.
49. EXAMINER, 12 June 1850.
50. IBID.
51. HAMILTON SPECTATOR, 8 June 1850.
52. EXAMINER, 12 June 1850.
53. HAMILTON SPECTATOR, 8 June 1850.
54. EXAMINER, 12 June 1850.
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56. BRITISH COLONIST, 4 June 1850.
57. HAMILTON SPECTATOR, 8 June 1850.
58. MONTREAL GAZETTE, 7 June 1850.
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62. EXAMINER, 12 June 1850.
63. MONTREAL GAZETTE, 7 June 1850.
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65. EXAMINER, 12 June 1850.
66. HAMILTON SPECTATOR, 8 June 1850.
67. EXAMINER, 12 June 1850.
68. HAMILTON SPECTATOR, 8 June 1850.
69. IBID.
70. BRITISH COLONIST, 4 June 1850.
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78. L'AVENIR, 15 June 1850.
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80. L'AVENIR, 15 June 1850.
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90. BRITISH COLONIST, 4 June 1850.
91. MONTREAL GAZETTE, 7 June 1850.
92. L'AVENIR, 15 June 1850.
93. HAMILTON SPECTATOR, 8 June 1850.
94. BRITISH COLONIST, 4 June 1850.
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101. EXAMINER, 12 June 1850.
102. HAMILTON SPECTATOR, 8 June 1850.

103. MONTREAL GAZETTE, 7 June 1850.
104. HAMILTON SPECTATOR, 8 June 1850.
105. MONTREAL GAZETTE, 7 June 1850.
106. HAMILTON SPECTATOR, 8 June 1850.
107. MONTREAL GAZETTE, 7 June 1850.
108. HAMILTON SPECTATOR, 8 June 1850.
109. EXAMINER, 12 June 1850.
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116. EXAMINER, 12 June 1850.
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127. EXAMINER, 12 June 1850.
128. MONTREAL GAZETTE, 7 June 1850.
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131. HAMILTON SPECTATOR, 8 June 1850.
132. EXAMINER, 12 June 1850.
133. MONTREAL GAZETTE, 7 June 1850.
134. EXAMINER, 12 June 1850.
135. HAMILTON SPECTATOR, 8 June 1850.
136. MONTREAL GAZETTE, 7 June 1850.
137. HAMILTON SPECTATOR, 8 June 1850.
138. EXAMINER, 12 June 1850.
139. HAMILTON SPECTATOR, 8 June 1850.
140. MONTREAL GAZETTE, 7 June 1850.
141. IBID.
142. HAMILTON SPECTATOR, 8 June 1850.
143. BRITISH COLONIST, 4 June 1850.
144. HAMILTON SPECTATOR, 8 June 1850.
145. MONTREAL GAZETTE, 7 June 1850.
146. BRITISH COLONIST, 4 June 1850.
147. IBID.
148. HAMILTON SPECTATOR, 8 June 1850.
149. MONTREAL GAZETTE, 7 June 1850.
150. HAMILTON SPECTATOR, 8 June 1850.
151. MONTREAL GAZETTE, 7 June 1850.
152. HAMILTON SPECTATOR, 8 June 1850.
153. EXAMINER, 12 June 1850.
154. MONTREAL GAZETTE, 7 June 1850.
155. EXAMINER, 12 June 1850.
156. HAMILTON SPECTATOR, 8 June 1850.
157. BRITISH COLONIST, 4 June 1850.
158. HAMILTON SPECTATOR, 8 June 1850.
159. MONTREAL GAZETTE, 7 June 1850.
160. BRITISH COLONIST, 4 June 1850.



161. MONTREAL GAZETTE, 7 June 1850.
162. HAMILTON SPECTATOR, 8 June 1850.
163. MONTREAL TRANSCRIPT, 8 June 1850.
164. HAMILTON SPECTATOR, 8 June 1850.
165. MONTREAL GAZETTE, 7 June 1850.
166. HAMILTON SPECTATOR, 8 June 1850.
167. MONTREAL GAZETTE, 7 June 1850.
168. HAMILTON SPECTATOR, 8 June 1850.
169. MONTREAL GAZETTE, 7 June 1850.
170. HAMILTON SPECTATOR, 8 June 1850.
171. EXAMINER, 12 June 1850.
172. IBID.
173. HAMILTON SPECTATOR, 8 June 1850.
174. MONTREAL GAZETTE, 7 June 1850.
175. HAMILTON SPECTATOR, 8 June 1850.
176. MONTREAL TRANSCRIPT, 8 June 1850.
177. EXAMINER, 12 June 1850.
178. HAMILTON SPECTATOR, 8 June 1850.
179. MONTREAL GAZETTE, 7 June 1850.
180. MONTREAL TRANSCRIPT, 8 June 1850.
181. HAMILTON SPECTATOR, 8 June 1850.
182. IBID.
183. IBID.
184. MONTREAL TRANSCRIPT, 8 June 1850.
185. IBID.
186. HAMILTON SPECTATOR, 8 June 1850.
187. MONTREAL TRANSCRIPT, 8 June 1850.
188. HAMILTON SPECTATOR, 8 June 1850.
189. EXAMINER, 12 June 1850.
190. HAMILTON SPECTATOR, 8 June 1850.
191. EXAMINER, 12 June 1850.
192. HAMILTON SPECTATOR, 8 June 1850.
193. MONTREAL GAZETTE, 7 June 1850.
194. HAMILTON SPECTATOR, 8 June 1850.
195. MONTREAL GAZETTE, 7 June 1850.
196. EXAMINER, 12 June 1850.
197. HAMILTON SPECTATOR, 8 June 1850.
198. EXAMINER, 12 June 1850.
199. HAMILTON SPECTATOR, 8 June 1850.
200. EXAMINER, 12 June 1850.
201. HAMILTON SPECTATOR, 8 June 1850.
202. MONTREAL GAZETTE, 7 June 1850.
203. HAMILTON SPECTATOR, 8 June 1850.
204. EXAMINER, 12 June 1850.
205. IBID.
206. IBID.
207. HAMILTON SPECTATOR, 8 June 1850.
208. MONTREAL GAZETTE, 7 June 1850.
209. HAMILTON SPECTATOR, 8 June 1850.
210. MONTREAL GAZETTE, 7 June 1850.
211. HAMILTON SPECTATOR, 8 June 1850.
212. MONTREAL GAZETTE, 7 June 1850.
213. HAMILTON SPECTATOR, 8 June 1850.
214. MONTREAL GAZETTE, 7 June 1850.
215. EXAMINER, 12 June 1850.
216. IBID.
217. MONTREAL GAZETTE, 7 June 1850.
218. EXAMINER, 12 June 1850.

219. MONTREAL GAZETTE, 7 June 1850.
220. EXAMINER, 12 June 1850.
221. MONTREAL GAZETTE, 7 June 1850.
222. EXAMINER, 12 June 1850.
223. MONTREAL GAZETTE, 7 June 1850.
224. EXAMINER, 12 June 1850.
225. MONTREAL GAZETTE, 7 June 1850.
226. EXAMINER, 12 June 1850.
227. HAMILTON SPECTATOR, 8 June 1850.
228. IBID.
229. IBID.
230. IBID.
231. IBID.
232. IBID.
233. EXAMINER, 12 June 1850.
234. IBID.
235. HAMILTON SPECTATOR, 8 June 1850.
236. EXAMINER, 12 June 1850.
237. HAMILTON SPECTATOR, 8 June 1850.
238. MONTREAL GAZETTE, 7 June 1850.
239. HAMILTON SPECTATOR, 8 June 1850.
240. EXAMINER, 12 June 1850.
241. HAMILTON SPECTATOR, 8 June 1850.
242. EXAMINER, 12 June 1850.
243. HAMILTON SPECTATOR, 8 June 1850.
244. MONTREAL GAZETTE, 7 June 1850.
245. HAMILTON SPECTATOR, 8 June 1850.
246. IBID.
247. EXAMINER, 12 June 1850.
248. HAMILTON SPECTATOR, 8 June 1850.
249. EXAMINER, 12 June 1850.
250. HAMILTON SPECTATOR, 8 June 1850.
251. MONTREAL GAZETTE, 7 June 1850.
252. HAMILTON SPECTATOR, 8 June 1850.
253. EXAMINER, 12 June 1850.
254. HAMILTON SPECTATOR, 8 June 1850.
255. EXAMINER, 12 June 1850.
256. MONTREAL GAZETTE, 7 June 1850.
257. EXAMINER, 12 June 1850.
258. MONTREAL GAZETTE, 7 June 1850.
259. EXAMINER, 12 June 1850.
260. MONTREAL GAZETTE, 7 June 1850.
261. EXAMINER, 12 June 1850.
262. MONTREAL GAZETTE, 7 June 1850.
263. HAMILTON SPECTATOR, 8 June 1850.
264. EXAMINER, 12 June 1850.
265. MONTREAL GAZETTE, 7 June 1850.
266. HAMILTON SPECTATOR, 8 June 1850.
267. MONTREAL GAZETTE, 7 June 1850.
268. HAMILTON SPECTATOR, 8 June 1850.
269. EXAMINER, 12 June 1850.
270. HAMILTON SPECTATOR, 8 June 1850.
271. EXAMINER, 12 June 1850.
272. HAMILTON SPECTATOR, 8 June 1850.
273. EXAMINER, 12 June 1850.
274. HAMILTON SPECTATOR, 8 June 1850.
275. EXAMINER, 12 June 1850.
276. MONTREAL GAZETTE, 7 June 1850.

277. HAMILTON SPECTATOR, 8 June 1850.
278. EXAMINER, 12 June 1850.
279. HAMILTON SPECTATOR, 8 June 1850.
280. EXAMINER, 12 June 1850.
281. HAMILTON SPECTATOR, 8 June 1850.
282. EXAMINER, 12 June 1850.
283. IBID.
284. MONTREAL GAZETTE, 7 June 1850.
285. EXAMINER, 12 June 1850.
286. MONTREAL GAZETTE, 7 June 1850.
287. HAMILTON SPECTATOR, 8 June 1850.
288. MONTREAL GAZETTE, 7 June 1850.
289. IBID.
290. EXAMINER, 12 June 1850.
291. HAMILTON SPECTATOR, 8 June 1850.
292. MONTREAL GAZETTE, 7 June 1850.
293. HAMILTON SPECTATOR, 8 June 1850.
294. MONTREAL GAZETTE, 7 June 1850.
295. HAMILTON SPECTATOR, 8 June 1850.
296. IBID.
297. MONTREAL GAZETTE, 7 June 1850.
298. EXAMINER, 12 June 1850.
299. MONTREAL GAZETTE, 7 June 1850.
300. EXAMINER, 12 June 1850.
301. MONTREAL GAZETTE, 7 June 1850.
302. HAMILTON SPECTATOR, 8 June 1850.
303. IBID.
304. IBID.
305. IBID.
306. IBID.
307. MONTREAL GAZETTE, 7 June 1850.
308. The debate on this motion was reported by: MONTREAL GAZETTE, 7 June 1850;  
and HAMILTON SPECTATOR, 8 June 1850.
309. MONTREAL GAZETTE, 7 June 1850.
310. IBID.
311. The following papers reported this matter in identical accounts: NORTH  
AMERICAN, 7 June 1850, and EXAMINER, 12 June 1850.
312. EXAMINER, 12 June 1850.
313. IBID.
314. The following papers reported this question in identical accounts: NORTH  
AMERICAN, 7 June 1850, and EXAMINER, 12 June 1850. The question was also  
reported by MONTREAL GAZETTE, 7 June 1850.
315. MONTREAL GAZETTE, 7 June 1850.
316. IBID.
317. EXAMINER, 12 June 1850.
318. The following papers reported this question in identical accounts: EXAMINER,  
5 June 1850, BATHURST COURIER, 14 June 1850; NORTH AMERICAN, 7 June 1850, and  
EXAMINER, 12 June 1850. The question was also reported by: PILOT, 4 June  
1850; BRITISH COLONIST, 4 June 1850; HAMILTON SPECTATOR, 5, 8 June 1850;  
MONTREAL GAZETTE, 7 June 1850; and LA MINERVE, 6 June 1850.
319. HAMILTON SPECTATOR, 8 June 1850.
320. IBID.
321. EXAMINER, 12 June 1850.
322. HAMILTON SPECTATOR, 8 June 1850.
323. EXAMINER, 12 June 1850.
324. HAMILTON SPECTATOR, 8 June 1850.
325. The following papers reported this question in identical accounts: NORTH  
AMERICAN, 7 June 1850, and EXAMINER, 12 June 1850.



326. EXAMINER, 12 June 1850.  
327. IBID.

(43)

Petitions  
brought up.

THE following Petitions were severally brought up, and laid on the table:--

By Mr. Hopkins,--The Petition of John Kinny and others, of the County of Halton.

By Mr. Thompson,--The Petition of M. Harcourt and others, of the Township of Seneca; the Petition of the Municipal Council of the united Counties of Lincoln, Haldimand, and Welland; the Petition of D. Crawford and W.J. Imlach, of the Township of Dunn, County of Haldimand; the Petition of Henry Walker and others, of the County of Haldimand; the Petition of John Jarron and others, of the County of Haldimand; two Petitions of the Municipality of the Township of Walpole; the Petition of the Municipality of the Township of Dunn; the Petition of the Municipality of the Township of North Cayuga; the Petition of John Yokom and others, of the Township of Seneca, County of Haldimand; the Petition of John Jarron, Townreeve of the united Townships of Moulton and Sherbrooke, and of Agnew P. Farrell, Townreeve of the Township of Dunn; and the Petition of the Municipality of the Township of South Cayuga.

By Sir Allan N. MacNab,--The Petition of the Mayor, Aldermen, and Commonalty of the City of Hamilton.

By the Honorable Mr. Robinson,--The Petition of Andrew Moffatt, Esquire, and others, of the Township of Orillia, County of Simcoe.

By the Honorable Mr. LaTerrière,--The Petition of the Reverend Augustin Beaudry and others, members of the Temperance Society of the Parish of Malbaie.

By Mr. Holmes,--The Petition of the Corporation of the Montreal General Hospital; and the Petition of the St. Lawrence and Atlantic Railroad Company.

By Mr. Morrison,--The Petition of Duncan McFarland, Esquire; and the Petition of John McMurrich and others.

By Mr. Gugy,--The Petition of J.G. Robertson and others, on behalf of a public meeting of the Inhabitants of the Town of Sherbrooke.

Multiplication  
of Law Suits,  
&c., Preven-  
tion Bill.

An engrossed Bill to amend an Act passed in the fifth year of the Reign of His late Majesty King William the Fourth, intituled, "An Act to prevent the unnecessary multiplication of Law Suits and increase of Costs in actions on Notes, Bonds, Bills of Exchange, and other instruments," was read the third time.

Resolved, That the Bill do pass.

Ordered, That the Honorable Mr. Cameron of Cornwall do carry the Bill to the Legislative Council, and desire their concurrence.

River du  
Chêne Bill.

An engrossed Bill to amend the Act passed during the last Session for the improvement of the River du Chêne, in the County of Two Mountains, was read the third time.

Resolved, That the Bill do pass, and the Title be, "An Act to extend the period for the election of Commissioners under the Act for the improvement of the River du Chêne."

Ordered, That Mr. Scott of Two Mountains do carry the Bill to the Legislative Council, and desire their concurrence.

MR. DEWITT<sup>1</sup> moved that a petition praying for the attachment of the salaries of government officials be referred.<sup>2</sup>

MR. AT. GEN. BALDWIN was opposed to attaching salaries in the manner proposed by the petition presented to that effect, as he considered it equally proper to secure the payment of a debt due by a laborer in the same manner. Those persons he

considered were to blame who trusted the parties; they should not allow clerks and others holding subordinate situations in the public service, to be enabled to indulge in extravagant habits, by giving them unlimited credit. If the law were retrospective in its operation, it would be detrimental to the public interests; and as to the future, the heads of departments could pursue a course which would remedy the evil complained of, if persons in business took any reasonable precaution. But he would not encourage parties who, if they chose, would lay by till they had ruined an individual, and who had no one to blame but themselves.--He trusted the hon. member who had introduced the petition, would consider the subject well, before he pressed it upon the consideration of the House.<sup>3</sup>

MR. H. SMITH of Frontenac, hoped the petition would be acted upon, and that the decision of the House would go forth to the country. He himself had experienced the hardship resulting to creditors, although to a limited extent, and had not been able to recover a sum of twenty pounds, which he advanced to enable an individual who had been appointed to a public situation, to proceed to the Seat of Government. He understood last session from the Attorney General, that steps would be taken to compel parties to pay debts incurred by individuals over whom the Government exercised a control, and which had been incurred since the present members of it came into power.<sup>4</sup>

COL. PRINCE said a similar grievance had long existed in England, where three of the first statesmen in the country had died in debt, and were buried at the public expense. These eminent men owned (sic) thousands of pounds, and their creditors had been unable to obtain payment of their debts during their life time, because there was no law which enabled them to attach their salaries. There was a class of persons, however, to whom the law applied; he meant officers on half pay, a part of which can be appropriated by the Insolvent Debtors' Court, to the liquidation of their debts; and where, he would ask, was the distinction, and why should the British officer, who had spent the best of his days in the service of his country, be treated thus partially? The hon. member for Beauharnois, wants the people of the country protected from the extravagance of mere carpet knights, who enjoy every luxury of life.<sup>5</sup>

MR. COM. CR. LANDS PRICE said there was a difference between officers on half pay, and in which they had a life interest, whom people trust, because they can be paid out of that, and a clerk who may be dismissed at any moment. Tradesmen knew this; and if they encouraged persons with limited means to incur extravagant debts, they had no one to blame but themselves. It was a very easy matter for those at the head of departments to say to their subordinates, if they found notices coming in, that if they were to be pestered in that way they must prepare for their dismissal; but was the House to be called upon to adjudicate as to the nature of debts? It was perfectly well understood, that when a man sells on credit, he adds to the price of the article on account of the risk he runs.--He (Mr. P.) had once since he came into office, received a notice that a judgment had been obtained against one of his clerks, and that he would be held liable as head of the department unless he put in an answer. He therefore told those under him, that if on any further occasion he was served with a similar notice, and was held liable for the debt of another, he would allow judgment to go by default, and after deducting the amount from his salary, would discharge him from office. If heads of departments would act with similar decision, they would have no trouble in this respect.<sup>6</sup>

MR. DEWITT understood last year certainly, that attention would be paid to the subject. The petition was numerously signed by persons in Montreal. At present, he said, individuals in public departments run in debt, and then laugh at their creditors.<sup>7</sup> ((He)) prayed that the house would allow the petition to be referred. He was of opinion that a bill should be passed in accordance with the prayer of the petition, as an act of justice. If heads of departments would dismiss those clerks who would not pay their debts, why, well and good, the bill might be inoperative; but in cases where this was not done, the reverse would be the case.<sup>8</sup> He



would not take a small pittance from any one, or even all from any body; and trusted a law might be passed which would meet the views of all.<sup>9</sup>

MR. INSP. GEN. HINCKS admitted that the question came up last session; but no declaration had been made of the kind referred to. The member from Frontenac complained of an instance in which he was personally concerned. But no hon. gentleman would say that any law that ought to be passed should have a retrospective action. The present difficulty, he said, arose from old contracts. He knew something of the case to which the hon. member had referred, as the individual alluded to was a clerk in the department over which he presided. The gentlemen alluded to was appointed by the former administration; of course he (Mr. H.) could have for him no political sympathy; but he would say, he was a most efficient officer. When he was appointed, he was much embarrassed in circumstances; but since he had been in office, he had paid off four or five hundred pounds, and had done all in his power to extricate himself from difficulties, that were contracted when he was without employment; and it would be extremely cruel to press him too hard.<sup>10</sup>

MR. J. CAMERON (Cornwall) did not see why the petition ought not to be allowed to go to a Committee. The remedy which had been pointed out by members opposite, only applied to inferiors, it would not affect superiors. The member for Essex (Mr. Prince) had said that the operation of such a law as was contemplated, would resemble the course pursued by the Insolvent Debtor's court in England; but that was where parties voluntarily submit; when such is not the case, the Commissioners will not interfere. The clerk earns his salary by his daily labour; and if the principle was applied to him, it should be extended to all.<sup>11</sup>

MR. CHRISTIE called the attention of the house to the act passed on the subject in '44 or 45, which elicited from the Secretary of State an opinion, as to the consequences which would flow from such a measure; but which he thought might be obviated by an explanation on the part of the Executive Council. This was subsequently sent home, but confirmed the minister in the view he had at first taken of the subject; and the Government were informed that Her Majesty would be advised to withhold her assent from the Bill.<sup>12</sup>

MR. AT. GEN. BALDWIN had no objection to the petition going to a Committee, and explained why he had called the attention of the House to the subject; he hoped the Committee would pay attention to the despatches alluded to, and which met with the approbation of the present members of Government, as well as their predecessors. He thought, however, that the report might be so drawn up, as to the course which the Government ought to pursue, as to have every effect which was desired.<sup>13</sup>

The petition was then referred.<sup>14</sup>

(43)

Petition of J. Johnston and others;

Resolved, That the Petition of J. Johnston and others, inhabitants of the Province of Canada, be referred to a Select Committee, composed of Mr. DeWitt, Mr. Christie, Mr. Holmes, Mr. Johnson, and Mr. Hopkins, to examine the contents thereof, and to report thereon with all convenient speed; with power to send for persons, papers, and records.

Of the Mayor, &c., of Bytown;  
Of the Great Western Railroad Company;  
Of the Mayor, &c., of Hamilton;

Ordered, That the Petition of the Mayor and Town Council of Bytown; the Petition of the Great Western Railroad Company; and the Petition of the Mayor, Aldermen, and Commonalty of the City of Hamilton, be referred to the Standing Committee on Standing Orders.

(44)

Of J. Blake and others;

Resolved, That the Petition of James Blake and others, of the Township of Walpole, be referred to a Select Committee,

composed of Mr. Thompson, the Honorable Mr. Price, Mr. Bell, the Honorable Mr. Boulton, and Mr. Johnson, to examine the contents thereof, and to report thereon with all convenient speed, by Bill or otherwise; with power to send for persons, papers, and records.

Of J. Sill  
and others;

Ordered, That the Petition of James Sill and others, of the Township of Walpole, be referred to the said Committee.

Of O. Rémond  
and others;

Resolved, That the Petition of O. Rémond and others, Branch Pilots for the navigation of the River St. Lawrence, between Montreal and Quebec, be referred to a Select Committee, composed of Mr. Duchesnay, the Honorable Mr. LaTerrière, Mr. Lemieux, Mr. Davignon, and Mr. Laurin, to examine the contents thereof, and to report thereon with all convenient speed; with power to send for persons, papers, and records.

Of J. Cummings,  
and others;  
Of H. LeMesurier,  
and others;  
Of Brantford  
Municipality;  
Of the Corpora-  
tion of Quebec,  
referred.

Ordered, That the Petition of James Cummings, Esquire, and others, of the City of Hamilton; the Petition of H. LeMesurier, Esquire, and others, Merchants, of the City of Quebec; the Petition of the Municipality of the Township of Brantford; and the Petition of the Mayor and Councillors of the City of Quebec, be referred to the Standing Committee on Standing Orders.

On motion of the Honorable Mr. Badgley, seconded by the Honorable Mr. Cameron of Cornwall,

Petitions for Pri-  
ivate Bills, Private  
Bills; and Reports  
thereon.

Resolved, That the time for receiving Petitions for Private Bills, Private Bills, and Reports of Select and Standing Committees on Private Bills, be extended for ten days beyond the respective periods already fixed.

Courts Houses  
and Gaols  
(L.C.) Bill.

Ordered, That the Honorable Mr. Attorney General LaFontaine have leave to bring in a Bill to provide for the building of Court Houses and Gaols in the Judiciary Circuits of Lower Canada.

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time, on Tuesday next.

Registry of  
Vessels Bill.

Ordered, That the Honorable Mr. Attorney General LaFontaine have leave to bring in a Bill to repeal the Act relative to the registering of Vessels employed solely in navigating the inland waters of this Province.

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time, on Tuesday next.

MR. AT. GEN. BALDWIN moved that the third reading of bills do no longer form an item of the Daily Routine. He stated that the effect of his motion would be to place the third reading of bills, the first on the orders of the day.<sup>15</sup>

SIR A. MACNAB did not think that the new arrangement would be so good as the old.<sup>16</sup>

(44)

On motion of the Honorable Mr. Attorney General Baldwin, seconded by the Honorable Mr. Price,

Third Read-  
ings of Bills.

Ordered, That the third readings of Bills do no longer form an item of the daily routine of the proceedings of this House, but that for the future all third readings be made Orders of the day as is done with respect to the other stages of Bills.



Ordered, That all Orders of the day for the third reading of Bills shall take precedence of all other Orders for the same day, except only of such of the said other Orders as may have been given precedence by Special Order of the House in that behalf.

MR. COM. CR. LANDS PRICE moved for leave to bring in a bill to limit the time for the redemption of scrip. His object was to call in all the scrip by a given time. It would be unjust to parties who hold the scrip that they should not be compensated; but as the Government has plenty of land they wished to redeem the script (sic).<sup>17</sup>

(44)

Land Scrip  
Bill.

Ordered, That the Honorable Mr. Price have leave to bring in a Bill to limit the time for redeeming Land Scrip.

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time, on Tuesday next.

Post Office  
Bill.

Ordered, That the Honorable Mr. Hincks have leave to bring in a Bill to provide for the transfer of the management of the Inland Posts to the Provincial Government, and for the regulation of the said Department.

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time, on Tuesday next.

MR. INSP. GEN. HINCKS<sup>18</sup> said that in consequence of the opening of the canals, it was expected that a large number of Emigrants would pass through Canada to the Western States. It was highly important to secure this traffic (sic), and with this object he was about to propose a resolution giving the government the power to remit one half of the tax on those emigrants who are no loss to the Province and who actually proceed to the United States.<sup>19</sup>

(44)

Emigrants'  
Tax.

The Honorable Mr. Hincks moved, seconded by the Honorable Mr. Price, That this House do now resolve itself into a Committee, to consider the expediency of allowing the return of a portion of the Emigrants' Tax on Emigrants merely passing through this Province to the United States;

The Honorable Mr. Hincks, a Member of the Executive Council, by command of His Excellency the Governor General, then acquainted the House that His Excellency having been informed of the subject matter of this Motion recommends it to the consideration of the House.

Resolved, That this House do now resolve itself into the said Committee.

The House accordingly resolved itself into the said Committee.

Mr. Duchesnay took the Chair of the Committee;

MR. INSP. GEN. HINCKS said, as the opening of Canals and the increasing intercourse with the United States rendered it desirable to encourage emigrants to take the St. Lawrence on the route to the West, he had<sup>20</sup>, on the representation of some persons<sup>21</sup>, prepared a resolution, which he would submit to the consideration of the House, in order that a law might pass<sup>22</sup> for the purpose of inducing emigrants passing to the United States to make use of our Canals. It was expected that a large number would pass. There would of course be some expenses of Quarantine, and it was proposed to retain half of the tax at present imposed for this purpose<sup>23</sup>, on emigrants arriving in the Province. Of course there would be ample checks and grounds to see that the money was not returned until after the emigrants had left the Province, and there was no prospect of their obtaining relief from the Emigrant Office, for the maintenance of which establishment, half the revenue at present derived from emigrant vessels, would be sufficient.<sup>24</sup>

MR. ROBINSON ((asked a question.))<sup>25</sup>



MR. INSP. GEN. HINCKS stated that the government could only deal with the ship-owners, as it is they who pay the tax; but in reality the emigrant finally pays it, as the shipowner charges him extra on account of the tax he has to pay. The government could only deal with the shipowner and leave him to charge the emigrant less by the amount remitted.<sup>26</sup>

MR. H. BOULTON (Norfolk) thought that it would be advisable to get them to settle among us, and opposed the resolutions.<sup>27</sup>

COL. PRINCE thought that parties would have made up their minds as to their destination before coming into the country; and that we should do better to get half a loaf than no bread. He thought it desirable to induce as great a transit through our canals as possible.<sup>28</sup>

MR. INSP. GEN. HINCKS stated care would be taken that if these emigrants returned, they should not become a charge on the department. He repeated that the government had taken this action on the earnest representation of a great number of forwarders.<sup>29</sup>

The hon. member's resolution was carried:--

Resolved,--That it is expedient to encourage the use of the St. Lawrence route by Emigrants from Europe to the United States, by providing that, subject to proper regulations and provisions, one half of the tax on such Emigrants may be returned to the Ship-owner or other person justly entitled to receive the same, on proof that such Emigrants have actually proceeded to the United States, without subjecting the Emigrant Department to any expense.<sup>30</sup>

(44)

and after some time spent therein,

Mr. Speaker resumed the Chair;

And Mr. Duchesnay reported, That the Committee had come to a Resolution.

Ordered, That the Report be received to-morrow.

On motion of the Honorable Mr. Robinson, seconded by Mr. Stevenson,

Rebellion  
Claims (L.C.)

Resolved, That an humble Address be presented to His Excellency the Governor General, praying that he will cause to be laid before this House as soon as may be convenient, a Statement of all claims made to the Commissioners appointed under the authority of the Act of last Session for the payment of losses alleged to have been sustained during the Rebellion in the years 1837 and 1838, in that part of the Province heretofore called Lower Canada,--such Statement to contain the names and residence (at the time of the alleged loss) of all claimants, the amount and nature of each claim, the amount awarded, and the evidence on which the several awards were made, the amount (if any) paid to such claimants or any of them, and the amount paid to the Commissioners by way of compensation for the duties assigned to them, and for the expenses attending their sittings; as also a copy of the Instructions given to the said Commissioners by the Executive Government of this Province.

Ordered, That the said Address be presented to His Excellency the Governor General, by such Members of this House as are of the Honorable the Executive Council of this Province.

Montreal Registry Bill.

The Order of the day for the second reading of the Bill to extend the period limited for certain purposes in the Montreal Registry Act, being read;

The Bill was accordingly read a second time.

Ordered, That the Bill be engrossed; and read the third time to-morrow.

(45)

Officers of

The Order of the day for the second reading of the Bill

Justice (L.C.)  
Salaries Bill.

to assign fixed annual Salaries to certain Officers of Justice in Lower Canada, and to form a Special Fund out of the salaries, fees, emoluments, and pecuniary profits attached to their offices, being read;<sup>31</sup>

MR. AT. GEN. LAFONTAINE moved that a bill to grant salaries to certain officers of justice in Lower Canada be read a second time. He explained that the object of the bill was to fund the fees now received by certain officers of justice in Lower Canada, and to grant them fixed salaries.<sup>32</sup> Il lut un état des recettes des protonotaires de Québec et de Montréal pour l'année dernière qui démontre la nécessité de cette mesure.<sup>33</sup> He would take for illustration the Prothonotaries offices of Quebec and Montreal. In Montreal Messrs. Monk, Coffin and Papineau, received annually in fees the sum of £6261; that their expenses were £3191 leaving a nett (sic) profit of more than £3000; that Mr. Monk received for his share £1186, Mr. Papineau the same, and Mr. Coffin £500. In Quebec he stated that there were only two Prothonotaries and that they received in fees annually £3500; their expenses were £529; leaving £1241 each for the two incumbents. He also stated that the first clerk in the prothonotaries office in Montreal received a salary of £450.<sup>34</sup> Il propose donc qu'à l'avenir tous les argents ainsi collectés soient déposés entre les mains du receveur-général, et qu'ils reçoivent à la place de ces honoraires, des salaires fixes. Un acte semblable a été passé l'année dernière, pourvoyant à ce que les greffiers des cours du Haut-Canada reçoivent un certain montant de salaire, au lieu d'honoraires; mais il pense que son bill est une amélioration de cet acte, en ce qu'il contient quelque chose qui devra encourager ces officiers<sup>35</sup> as much as possible to attend personally to the performance of the duties of their office<sup>36</sup> dans la perception des argents, en leur accordant tant par cent sur le surplus des revenus, après que les dépenses des bureaux auront été payées.<sup>37</sup>

M. CHABOT ne voulait pas s'opposer au bill<sup>38</sup>. ((He)) approved of the general principles ... but thought there might be some objections to some of the details.<sup>39</sup> Il était d'opinion qu'il fallait l'amender en comité. Il est très désirable de diminuer le coût de l'administration de la justice dans le Bas-Canada, mais il pense que cet objet ne serait pas obtenu par le bill tel qu'il est.<sup>40</sup> Other salaries should be reduced if those alluded to by the Attorney General were; and hoped the hon. member would refer to a special committee.<sup>41</sup>

(45)

*The Bill was accordingly read a second time; and committed to a Committee of the whole House, for Tuesday, the eighteenth instant.*

Quebec Incorporation Bill.

*The Order of the day for the second reading of the Bill to amend and consolidate the provisions contained in the Ordinances to incorporate the City and Town of Quebec, and*

*to vest more ample powers in the Corporation of the said City and Town, being read;*

*The Bill was accordingly read a second time; and referred to a Select Committee, composed of the Honorable Mr. Chabot, Mr. Méthot, Mr. Chauveau, Mr. Ross, and Mr. Cauchon, to report thereon with all convenient speed; with power to send for persons, papers, and records.*

Bill relating  
to Buoys on  
certain Shoals.

*The Order of the day for the second reading of the Bill to oblige the Trinity House of Quebec to lay down Buoys to mark the shoals in the north channel of the River St. Lawrence, and to facilitate the traverse from Cape Tourmente to*

*Isle aux Reaux, being read;*

*The Bill was accordingly read a second time.*

*Ordered, That the Bill be engrossed; and read the third time, on Thursday next.*

Usury Law  
Bill.

*The Order of the day for the second reading of the Bill to alter the Law of Usury, being read;*

*Ordered, That the Bill be read a second time, to-morrow.*



Wesleyan  
Methodists  
Relief Bill.

The Order of the day for the second reading of the Bill to relieve Ministers of the Wesleyan Methodist Church in Canada from the obligation to obtain Special Licenses in order to keep Registers of Baptisms, Marriages, and Burials, in

Lower Canada, being read;

Ordered, That the Bill be read a second time, on Monday next.

Saguenay  
Second Muni-  
cipal Council  
Bill.

The Order of the day for the second reading of the Bill to authorize the inhabitant householders holding lands in the new settlements on the borders of the Saguenay, forming the second Municipal Division of that County, to establish a Municipal Council therein, and for other purposes, being

read;

The Bill was accordingly read a second time.

Ordered, That the Bill be engrossed; and read the third time, on Thursday next.

Real Pro-  
perty Regis-  
tration Bill.

The Order of the day for the second reading of the Bill to amend the Ordinance which provides for the registration of Titles to and Incumbrances on Real Property, being read;

Ordered, That the Bill be read a second time, on Monday next.

Road Laws  
(L.C.) Re-  
print Bill.

The Order of the day for the second reading of the Bill to provide for the reprinting of the Acts and Ordinances in force in Lower Canada relative to Highways and Bridges, and for other purposes, being read;

Ordered, That the Bill be read a second time, on Monday next.

Small Causes  
(L.C.) Bill.

The Order of the day for the second reading of the Bill to amend the Act for the summary trial of Small Causes in Lower Canada, being read;

Mr. Laurin moved, seconded by Mr. Fournier, and the Question being proposed, That the Bill be now read a second time;

Mr. Davignon moved in amendment to the Question, seconded by Mr. Bouthillier, That the word "now" be left out, and the words "this day six months" added at the end thereof;

And the Question being put on the Amendment; the House divided: and the names being called for, they were taken down, as follow:--

#### YEAS.

Messieurs Bell, Bouthillier, Cartier, Davignon, Dickson, Holmes, Jobin, Solicitor General Macdonald, Sir Allan N. MacNab, Malloch, McConnell, Notman, Papineau, Robinson, Scott of BYTOWN, Seymour, Sherwood of TORONTO, Stevenson, Viger, and Wilson,  
--(20.)

#### NAYS.

Messieurs Badgley, Cauchon, Cayley, Chabot, Chauveau, DeWitt, Fournier, Fourquin, Guillet, Hincks, Lacoste, Attorney General LaFontaine, LaTerrière, Laurin, Lemieux, McLean, Méthot, Ross, Smith of FRONTENAC, Smith of WENTWORTH, and Taché.--(21.)

So it passed in the Negative.

Then the main Question being put;

Ordered, That the Bill be now read a second time.

The Bill was accordingly read a second time; and referred to a Select Committee, composed of Mr. Laurin, Mr. Fournier, Mr. Ross, Mr. Duchesnay, Mr. Chauveau, Mr. Taché, and Mr. Guillet, to report thereon with all convenient speed; with power to send for persons, papers, and records.

Bill to exclude

The Order of the day for the second reading of the Bill



certain persons  
from Offices.

to exclude persons from Offices who have been concerned in  
creating them, or increasing their emoluments, being read;

Ordered, That the Bill be read a second time, to-morrow.

Then, on motion of the Honorable Mr. Hincks, seconded by Mr. Scott of Bytown,  
The House adjourned.

APPENDIX: 4 JUNE 1850.

((NOTICE OF MOTION RE: SELECT COMMITTEE ON PUBLIC ACCOUNTS OF 1849.))

MR. CHRISTIE gave notice that he would move, on Thursday, for a Special Committee to examine and report upon the public accounts of 1849. He would state his reasons (not to take the government by surprise) of his moving for a committee, which he at one moment had thought might be unnecessary, in consequence of the appointment of the Committee of Revenue and Expenditure named at the instance of the Government. But this committee having duties to perform of a greater range than merely looking to details in the public accounts, he was convinced, from what on a cursory glance he had perceived in them, that they ought to be examined by a select committee for the purpose. For instance, in the addition of only six items relating to the salaries to the Chancellor and other officials of that court, there was a mistake of £9; this met his eye on opening the printed account, and how many more errors of the same kind there might be he could not say. Again, he observed, with respect to the Montreal Police force, which the country formerly was told by the demi-official organs was raised under an Ordinance of the Special Council of Lower Canada, that it now appeared was organised under the authority of the Executive solely, who, having expended to 31st January last upwards of £7,000 on this object, now demanded an Act of Indemnity for it. There was an item of £1,125 to Messrs. Wetherall and W.K. McCord to enable them "to purchase horses for the use of the police." He could not understand why it had been necessary to call Mr. McCord from his important duties as Police Magistrate at Quebec to employ him in purchasing horses for the police at Montreal. There was another item of £830 to these same two gentlemen "in compensation of their services as Special Magistrates, and for certain expenses incurred by them in that capacity between April and September last." It was notorious that, during the period that Mr. McCord was so serving at Montreal, he was also paid as Police Magistrate at Quebec, the duties of his office at the latter place being, in the mean time, left to others. Whether his assistance at Montreal had been required by the Government, or he had volunteered his services, the Executive best could say; but it was highly improper to allow him to leave his post at a time when his services were most needed. The expenses of removing the Seat of Government from Montreal to Toronto, as far as accounted for in these accounts, amounted to nearly £8,000, including an item of £1,000 for "packing cases". There was also an item of £2,256 for "general printing and subscription to the Canada Gazette" which ought to be examined. But there was one item in the accounts which required particular attention. £1,750 had been advanced to Messrs. Hincks, Blake, and Drummond, "on account of special services." For the expenditure of this money they were, therefore, accountable. He was not prepared to say whether the Act of the Legislature of Lower Canada, which vacated the seats of members of the Assembly making themselves accountable for public monies, was repealed or is still in force; but the subject ought to be looked into. If that Act were still in force, he thought those gentlemen had compromised themselves.<sup>42</sup>

FOOTNOTES: 4 JUNE 1850.

1. The following papers reported the debate on this matter in partially identical accounts: PILOT, 11 June 1850, HAMILTON SPECTATOR, 12 June 1850, ST. CATHARINES JOURNAL, 13 June 1850, BATHURST COURIER, 14 June 1850, and PACKET, 15 June 1850. The debate was also reported by MONTREAL GAZETTE, 8 June 1850. PILOT, 8 June 1850, commented that the debate was "rather interesting."
2. MONTREAL GAZETTE, 8 June 1850.
3. HAMILTON SPECTATOR, 12 June 1850.
4. IBID.
5. IBID.
6. IBID.
7. IBID.
8. MONTREAL GAZETTE, 8 June 1850.
9. HAMILTON SPECTATOR, 12 June 1850.
10. IBID.
11. IBID.
12. IBID.
13. IBID.
14. IBID.
15. MONTREAL GAZETTE, 8 June 1850.
16. IBID.
17. NORTH AMERICAN, 17 June 1850.
18. The following papers reported the debate on this matter in identical accounts: HAMILTON SPECTATOR, 12 June 1850, and ST. CATHARINES JOURNAL, 13 June 1850. The following papers reported the debate in partially identical accounts: NORTH AMERICAN, 7 June 1850, EXAMINER, 12 June 1850, and BATHURST COURIER, 14 June 1850. The debate was also reported by MONTREAL GAZETTE, 8 June 1850.
19. BATHURST COURIER, 14 June 1850.
20. HAMILTON SPECTATOR, 12 June 1850.
21. MONTREAL GAZETTE, 8 June 1850.
22. HAMILTON SPECTATOR, 12 June 1850.
23. MONTREAL GAZETTE, 8 June 1850.
24. HAMILTON SPECTATOR, 12 June 1850.
25. MONTREAL GAZETTE, 8 June 1850.
26. EXAMINER, 12 June 1850.
27. MONTREAL GAZETTE, 8 June 1850.
28. IBID.
29. IBID.
30. IBID.
31. The following papers reported the exchange on this matter in identical accounts: PILOT, 11 June 1850, and PACKET, 15 June 1850. The exchange was also reported by: MONTREAL GAZETTE, 8 June 1850; and LA MINERVE, 10 June 1850.
32. MONTREAL GAZETTE, 8 June 1850.
33. LA MINERVE, 10 June 1850.
34. MONTREAL GAZETTE, 8 June 1850.
35. LA MINERVE, 10 June 1850.
36. MONTREAL GAZETTE, 8 June 1850.
37. LA MINERVE, 10 June 1850.
38. IBID.
39. MONTREAL GAZETTE, 8 June 1850.
40. LA MINERVE, 10 June 1850.
41. MONTREAL GAZETTE, 8 June 1850.
42. IBID.



WEDNESDAY, 5 JUNE 1850.

(45)

Guelph and  
Arthur Road.

MR. SPEAKER laid before the House, a Statement of the Affairs of the Guelph and Arthur Road Company, received in compliance with the Act 10 & 11 Vic. Cap. 91.

Appendix (G.)

For the said Statement, see Appendix (G.)

Petitions  
brought up.

The following Petitions were severally brought up, and laid on the table:--

By Mr. Fergusson,--The Petition of the Municipality of the Township of Sullivan, County of Waterloo; and the Petition of Benjamin Thurtell, Esquire, and others, of the County of Waterloo.

By the Honorable Mr. Cameron of Kent,--The Petition of David Duff and others, of the Township of Oakville and its vicinity; and the Petition of James Carrall, Chairman, on behalf of a meeting of the inhabitants of Woodstock, County of Oxford.

By the Honorable Mr. Price,--The Petition of James Sleightholm, President, and others, the Directors and Stockholders of the Albion Road Company.

By Mr. McLean,--The Petition of Seth Combs and others, Innkeepers, of the united Counties of Stormont, Dundas, and Glengary.

(46)

By the Honorable Mr. Hincks,--The Petition of John McWhinnie and others, of the Town of Woodstock and vicinity.

By Mr. Cauchon,--The Petition of the Reverend F. Pilote, in behalf of the Corporation of the College of Ste. Anne LaPocatière.

By Mr. Solicitor General Drummond,--The Petition of the Reverend A.J. Whitten and others, the Minister, Church Wardens and members of the Church of England at Shefford, in Lower Canada.

Petitions read.

Pursuant to the Order of the day, the following Petitions were read:--

Of the University of Queen's College; praying an adequate grant for the endowment of the said College.

Of the Board of Trustees of Queen's College, Kingston; praying for a grant in aid of the Grammar School of the said College, such as that enjoyed by the High Schools of Montreal and Quebec.

Of the Reverend D. Falloon, D.D., Minister, and others, Wardens of the Church of England, in the Parish of St. Ann's, Townships of Shipton, Melbourne, and Ely; of the Reverend William Arnold, Minister, and others, Wardens and members of the Church of England at Gaspé Basin; of the Reverend John Dalziel and others, the Minister, Church Wardens, and members of the Church of England at Eaton, Lower Canada; of the Reverend John Kemp and others, the Minister, Church Wardens and members of the Church of England at Bury and Lingwick, County of Sherbrooke; and of Thomas Davis and others, the Minister, Wardens and members of the Church of England at Dudswell, in Lower Canada; praying that the privilege of conferring Degrees in the Arts and in Divinity may be extended to Bishop's College, and the annual grant to the said College so increased as to place it upon an equal footing with similar institutions throughout the Province.

Of James Jessup, of the Town of Brockville, County of Leeds; praying remuneration for his services in taking the Census and Statistics of the Counties of Leeds and Grenville, in the year 1848.

Of Mrs. M.H. Mountain and others, the Ladies managers of the Male Orphan Asylum of Quebec in connection with the Church of England; praying for aid in support of the said Institution.

Of the Honorable John G. Thompson and others, Presidents of the Agricultural Societies for the District of Gaspé; praying that provision be made for the establishment and maintenance of a District Agricultural Society in and for the said District.

Of the Reverend P.J. Crevier and others, of the Parish of St. Augustin, District of Montreal; and of the Reverend L. Thibault and others, of the Parish of St. Jérôme, County of Terrebonne; praying the adoption of certain measures for the suppression of intemperance.

Of A.L. Cardinal, Chief Messenger of this House; praying further indemnification for the loss of his furniture and personal property destroyed in the burning of the Parliament House, in the City of Montreal, on the 25th April, 1849.

Of the Reverend J. VanLinge and others, of the Township of Frampton; praying for aid to improve the Road leading from the said Township to the City of Quebec.

Of John Clark and others, of Quebec, licensed Cullers; praying that the Act 8 Vic. cap. 49, may be so amended as to oblige the Supervisor of Cullers to employ every licensed Culler, should they desire it, in rotation.

Of Jean Langevin, of the City of Montreal, Esquire; praying payment of a certain amount due him by the late Municipal Council of the District of Quebec.

Of Lewis Willson, Chairman, and others, on behalf of a public meeting held in the Township of Pelham, District of Niagara; praying for the reduction and consolidation of Public Offices, and the reduction of the Public Expenditure to a scale suited to the condition of the Province.

Of Lewis Willson, Chairman, and others, on behalf of a public meeting held in the Township of Pelham, District of Niagara; praying that the money accruing from the Clergy Reserves and Rectories may be applied to raising a Common School Fund.

Of the Municipal Council of the County of Middlesex; praying certain amendments to the Municipal Corporation Act, and that certain additional powers be granted to the County and Township Councils,--that the Act 8 Vic. cap. 20, regulating Line Fences and Water Courses be amended,--that the Act regulating the Protesting of Bills of Exchange and Promissory Notes be repealed,--and for certain amendments relative to Coroners, selection of Juries, the Courts of Chancery and Queen's Bench, and Division Courts, and the Expenses and Law Costs thereof, and for a thorough retrenchment in the Public Expenditure.

Of the Municipal Council of the County of Middlesex; praying that a Charter be granted to the Niagara and Detroit Rivers Railroad Company.

Of John G. Gilman and others, of the County of Stanstead; praying for the passing of an Act to incorporate certain persons under the name of the Stanstead County Bank.

Of P.U. Archambault and others, of the County of Leinster; praying for the re-establishment of the ancient limits of the Circuit of L'Assomption.

Of H.C.R. Becher and Lionel Ridout, of the Town of London, County of Middlesex, Esquires; praying for the passing of an Act authorizing the conveyance to them of certain Streets, or parts thereof, in the said Town, under such restrictions as may be deemed proper.

Of the Municipal Council of the County of Oxford; praying that no division be made of the said County as petitioned for.

Of J.A. Wilkes, Esquire, and others, of the Town and Township of Brantford; praying for the passing of an Act granting a Charter to the Niagara and Detroit Rivers Railroad Company.

Of the Municipal Council of the County of Oxford; praying for the passing of an Act granting a Charter to the Niagara and Detroit Rivers Railroad Company.

Of George Alexander, Foreman, and others the Grand Jurors of the County of Oxford, and other inhabitants of the Town of Woodstock and vicinity; praying that measures be adopted to prevent the evil consequences resulting from the influx of a pauper emigration.

Of Jared Vining and others, of the Township of Nissouri; praying that the said Township may be separated from the District of Brock, and attached to the District of London.

Petition of  
S. Bowman  
and others;

Ordered, That the Petition of Samuel Bowman and others, of the County of Halton, be referred to the Special Committee appointed to enquire into the state of the Public Income



and Expenditure of this Province.

Of the Revd.  
L.T. Fortier  
and others;  
Of Various  
other persons  
on Temperance;

Ordered, That the Petition of the Reverend Louis T. Fortier and others, members of the Temperance Society of the Parish of St. Jean Baptiste de Nicolet, and, also, all other Petitions on the subject of Temperance received up to this date, be referred to the Select Committee on the subject of Intemperance.

Of A. Scobie  
and others,

Ordered, That the Petition of Alexander Scobie, Esquire, and others, of the Townships of Seneca, County of Haldimand,

(47)

referred.

and Onondaga, County of Wentworth, be referred to the Standing Committee on Standing Orders.

Walpole and  
Woodhouse  
Boundary  
Line Bill.

Mr. Thompson, from the Select Committee to which was referred the Petition of James Blake and others, of the Township of Walpole, and another reference, with power to report by Bill or otherwise, presented to the House, a Bill to enable the Commissioners for defining the boundary line between

the Townships of Walpole and Woodhouse to perform the duty assigned to them by the Act in that behalf provided, which was received and read for the first time; and ordered to be read a second time, on Thursday, the thirteenth instant.

Third Report  
of Committee  
on Standing  
Orders.

The Honorable Mr. Cameron of Kent, from the Standing Committee on Standing Orders, presented to the House the Third Report of the said Committee; which was read, as followeth:--

Your Committee have examined the Petitions of the Company of Proprietors of the Champlain and St. Lawrence Railroad, and of N.F. Belleau and others; and find that the requisite notices have been given in each case.

In the case of the Petition of James Cummings and others, for an Act of incorporation as the Hamilton Gas Light Company, it does not appear that the usual notice has been given: inasmuch, however, as Your Committee have had before them a certified copy of a Resolution adopted by the City Council of Hamilton (the only party whose rights could be affected by the proposed charter) highly approving of the measure, Your Committee beg leave to recommend that the notice be dispensed with.

On the Petition of Aaron Silverthorn and Newman Silverthorn, Your Committee find that due notice was published in a District paper, but there does not appear to have been any notice affixed to the door of a Church, as required by the 66th Rule; as, however, this latter requirement has always hitherto been dispensed with in matters relating to Upper Canada, they beg leave to recommend that it be also dispensed with in this case; and they would also, at the same time, respectfully suggest the propriety of so amending the Rule as to limit the operation of this provision to Lower Canada.

The Petitions of William Workman and others, of the Bank of Upper Canada, of the Great Western Railroad Company, and of the Mayor, Aldermen, and Commonalty of Hamilton, do not, in the opinion of Your Committee, require the publication of notice.

Hamilton Gas  
Light Bill.

Ordered, That Sir Allan N. MacNab have leave to bring in a Bill to incorporate the City of Hamilton Gas Light Company.

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time, to-morrow.<sup>1</sup>

SIR A. MACNAB moved the printing should be dispensed with and the Bill pass to its second reading.<sup>2</sup> He desired to save the expense of printing the bill, and hoped the House would spare the formality. He pledged himself that it was an exact transcript of the Act Incorporating the Gas Company of Montreal.<sup>3</sup>



MR. COM. CR. LANDS PRICE said that it was not proper to hurry through bills in that manner; the measure might contain objectionable provisions, such as power to issue bills, which he was opposed to, and he did not think that a day or two could make much difference to the parties concerned.<sup>4</sup>

SIR A. MACNAB could assure the hon. member that there was no banking clause in the Act; it was copied from the Montreal Gas Company's Act.<sup>5</sup>

MR. W. BOULTON (Toronto) said that if the Cabinet had seen the work he held in his hand, the acts of the State of Massachusetts (a laugh) they would know that there they had general acts of incorporation for companies and did not require special charters.<sup>6</sup> They would do better to adopt a general law, like that of Massachusetts, which would prevent the necessity and expense of passing bills for every paltry incorporation.<sup>7</sup>

MR. INSP. GEN. HINCKS had been informed that day by two Conservatives that a requisition was in course of signature calling upon the member for Toronto to resign his seat in consequence of his peculiar views on American institutions. He had no wish and he was sure no member of the government had, to thwart the hon. knight to (sic) any of his measures, but thought the bill ought to be printed.<sup>8</sup>

MR. W. BOULTON thought it strange that the hon. member should be conferring with leading conservatives on the subject.<sup>9</sup> He would be willing to make the same speech he had made on a former occasion in that House, before his constituents, and<sup>10</sup> if three-fourths of them did not approve of his sentiments he would be quite willing to resign his seat. (Hear, hear.)<sup>11</sup>

MR. MORRISON would like to ask the hon. member who appeared so well informed on American affairs, what interest he had in this country now and where his property now lay.<sup>12</sup>

After some further conservation (sic) the opposition was withdrawn<sup>13</sup>.

(47)

*Ordered, That the Rule of this House requiring Bills to be printed previous to the second reading, be suspended as regards the said Bill.*

Bank of  
Upper Canada  
Bill.

*Ordered, That Mr. Smith of Durham have leave to bring in a Bill to further extend the time for paying up the increased Capital Stock of the Bank of Upper Canada.*

*He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time, on Tuesday, the eighteenth instant.*

Petition of the  
Corporation of  
Hamilton;  
Of the Great  
Western Railroad  
Company referred.

*Ordered, That the Petition of the Mayor, Aldermen, and Commonalty of the City of Hamilton, and the Petition of the Great Western Railroad Company, be referred to the Standing Committee on Railroads and Telegraph Lines.*

School Bill  
and Education.

*The Honorable Mr. Hincks, one of Her Majesty's Executive Council, presented, pursuant to an Address to His Excellency the Governor General,--Return to an Address from the Legislative Assembly to His Excellency the Governor General, dated 31st ultimo, praying His Excellency to cause to be laid before the House, copies of all Correspondence that may have taken place between any Member of the Government and the Chief Superintendent of Education in Upper Canada, on the subject of the School Bill, or on the subject of Education generally, or between any Member of the Government and other person in the Country, on the same subject, of an official character.*

Appendix (N.)

*For the said Return, see Appendix (N.)*

*Ordered, That the said Return be printed for the use of the Members of this House.*

Champlain and  
St. Lawrence  
Railroad Bill.

*Ordered, That Mr. DeWitt have leave to bring in a Bill to authorize the Company of Proprietors of the Champlain and St. Lawrence Railroad to extend the said Road, and for other purposes.*

*He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time, on Monday next.*

Mr. Thomas  
C. Dixon.

*The Honorable Mr. Cameron of Cornwall moved, seconded by Mr. Prince, and the Question being put, That an humble Address be presented to His Excellency the Governor General, praying*

*His Excellency to cause to be transmitted to this House, copies of all Petitions that may have been presented to His Excellency, and, also, of all official Correspondence that may have taken place between His Excellency, or any Member of the Executive Council, and Thomas C. Dixon, of London, Esquire, on the subject of the conduct of that gentleman in his capacity of a Justice of the Peace, and all other official Correspondence or papers bearing upon the subject;*<sup>14</sup>

MR. J. CAMERON of Cornwall ... said that he had on a former occasion alluded to the harsh proceedings of the government against this gentleman, and he now made this motion in order that by the action of the House that justice might be done to him, which the government of its own mere power had denied.<sup>15</sup> He said that Mr. Dixon was entitled to the protection of the Government in the performance of the duties of his highly responsible office; and when a petition of a slanderous nature was presented to the Government, it was their duty to have put it in his power to defend himself. Many of the charges contained in that petition, had they been laid before the law officers of the Crown, would have formed a subject for investigation before a criminal tribunal, and would have subjected Mr. Dixon to an indictment before the Queen's Bench or the Assizes in his own part of the country; for he had been accused of causing strife, and stirring up tumultuous assemblages. Therefore, there was nothing clearer than that the parties who signed that petition, if they wished to obtain redress, ought to have brought an accusation against Mr. Dixon in term time before the proper tribunal.<sup>16</sup> If he were ... proceeded against ... by criminal information or indictment ... or even if the government resorted only to a commission of enquiry, Mr. Dixon would have known the names of his accusers, they must have appeared either as his prosecutors or as witnesses against him.<sup>17</sup> Instead of that, however, they sheltered themselves behind a petition to the government, which declined to give their names to the party accused, and on his refusal to go further than assert the falsity of the accusations, was told that was not enough to prevent his dismissal.<sup>18</sup> Were he the vilest criminal accused of the most heinous crime, he would on his simple denial of the crime be called upon for no defence until some case had been made against him, but this magistrate was disgraced and dismissed from his office, as much as the power of the government could effect that object because he claimed the simplest right of a British subject, to be placed before his accusers, or have their names furnished to him. He denied the charges--his accusers affirmed them,--why should the government act upon their statement any more than upon his? But notwithstanding his denial he is not regarded, and his enemies triumph, and their motives for the charges, whether of malice or ill-will, are concealed with their names.<sup>19</sup> Now any magistrate would have had a right to complain of such conduct from any government as highly unjust. The public had a right to complain that the government should give a sanction to bringing incorrect charges against any magistrate, and they had a right to know the names of the men who brought them, in order to estimate what degree of credit was to be given to their statements. But that was not the only injustice that the government had done in this matter.<sup>20</sup> It was not only to him that these names were refused.<sup>21</sup> Mr. Dixon feeling injured, and anxious to show that his honourable office did not suffer any disgrace by being in his hands, had instituted an action against the parties who had signed the petition.<sup>22</sup> The Grand Jury of the County presented some of the supposed parties--an indictment was found upon their



presentment, the Court granted a subpoena for the Secretary, who, under the advice of the Attorney General, refused<sup>23</sup> to go and give a certified copy of the document to the person who attended to procure it--under the plea that it had not been demanded officially from the head of the Government<sup>24</sup>, or to furnish a copy with the names attached<sup>25</sup>. The Attorney General West refused to allow the original document to be sent, and the consequence was that on an affidavit of these facts being made, the trial was postponed. He should have thought that a desire on the part of the Government to see the ends of justice answered, would have been sufficient inducement to them to send either the original document, or a copy, of which the truth had been established. It was nothing to say that no official demand had been made for this document, and it did seem to him that this was nothing but a subterfuge on the part of the Ministry. It was the duty of the Government, under these circumstances to have rendered every assistance to Mr. Dixon in clearing himself from the stain that had been cast on him, if it were in his power; as they had not seen fit to take steps to bring him before a criminal tribunal for his alledged misconduct.<sup>26</sup> Had the Attorney General authority for the course pursued? Could he shew an English precedent for the proceeding? On the contrary, had he not himself furnished him the case of *Blagg vs. Street*, in which, under circumstances precisely similar, the English government had acted in an entirely different way.<sup>27</sup> The names of the complainants were communicated to the magistrate. He proceeded against them for libel. The court decided that the accusations were false. Heavy damages were rendered. An attempt was made to show that the libel was a privileged communication. The superior court decided that it was not a privileged communication--and that as the charges contained in it were false, the damages were justly awarded. In another case of a similar nature in England to which he referred,<sup>28</sup> had they dismissed Lord Roden without enquiry?<sup>29</sup> He said they did not find the magistrate complained against had been immediately struck off the Commission, but an inquiry was instituted, and a Commission sent down to the part of the country in which he resided; and on that commission finding that the accusations were true, he was struck off.--But the Government did not at once assume that the charges brought against him must be true, because he asserted that they were false.<sup>30</sup> Had they even refused the names of his accusers to any magistrate who was charged with a dereliction of his duty? No; they might search the records of the past in vain for a parallel or a precedent for their tyrannical proceeding.<sup>31</sup> Mr. Dixon had a right to call on the government to protect him against slanders. He did not call on them to assume that these anonymous slanders must necessarily be correct. He called on them not to take one step without giving him the names of his accusers, a privilege that would not be refused to the meanest criminal at the bar of a court of justice. He denied the truth of the accusation, and said that he was ready to defend himself when a fair opportunity was offered, and before a proper tribunal.--And yet, because he did not immediately enter into explanations, he was dismissed from his office; a sort of confirmation was given to the slander, and a stain was cast on his name, which was spoken of from one end of the Province to the other, as that of a disgraced and incapable man, whilst the men who slandered him were protected and concealed. That was the position in which Mr. Dixon had been placed, and he would ask the government to explain the principles on which they refused his demand? What answer was it in Mr. Dixon's power to return to the Secretary's letter? He answered broadly that the accusations were false, and demanded the names of his accusers, and in return is informed that it is not customary in such cases to give the names of the petitioners. In that the Government acted wrongly and unjustly. The first step they ought to have taken, should be to send down Commissioners to the country to enquire into the truth of the charges, instead of proceeding summarily upon an ex-parte statement. The truth or falsehood would then have been satisfactorily ascertained.--Mr. Dixon would have been made acquainted with the names of his accusers. He might then perhaps have been able to show that they were persons whose testimony was not worthy of credit, or he might have been able to show that they were engaged in a conspiracy to carry out this very object. In that case, if he had been able to establish either of these points, it would have been the duty of the Government, instead of protecting those slanderers, to have thrown their petition indig-



nantly back in their teeth, as an attempt to practice an imposition on them. And if he failed, and the truth of these allegations had been established, it would have been in their power, and it would have been the duty of the Government, to bring him to the bar of public justice, and have him punished for such a gross violation of duty.--And if that course had been adopted, what other answer could Mr. Dixon have given when called on to plead, than what he had already given to the Government--that he was not guilty, and that it rested with them to prove their position. What did they do instead? They called on him to defend himself against an accusation brought by people with whose names he was unacquainted; he denied the truth of it; his denial was surely of as much weight as their asseveration, and what right had the Government to attempt to judge between the conflicting statements? Their conduct was most unwarrantable, and he felt certain they could not bring a single precedent to support it.--If that were the case, was it not to be supposed that there must have been some other cause than his mere refusal to enter into explanations, to account for the treatment he received? It was well known that he was an opponent of the Government; that he had opposed the hon. member for London at a recent election; and that he was strongly opposed to the head of the Government. Was there not some reason to think that something of that kind behind the scenes had induced the Government to act in this extraordinary manner? And if there were any grounds for such a supposition, was not the Government that had thus oppressed the individual, no matter what were his politics, to be condemned and exposed to the censure of that house?<sup>32</sup> And now when in this House we are called upon to vote upon this motion, will these papers be refused?--Justice ought not be denied by the government, and by whom are the magistracy to be upheld, it unjustly accused, but by the power by which they are created, and which ought to secure the purity of the fountain of justice from all contamination?<sup>33</sup> He thought he had made out a case sufficiently strong to authorize him to call for this correspondence, and he would therefore move for its production.<sup>34</sup>

MR. AT. GEN. BALDWIN spoke in reply. He gave a general denial to the positions assumed by the hon. member who had spoken last.<sup>35</sup> Hon. gentlemen might perhaps imagine--and in fact it was a conclusion that was very likely to be drawn by an opposition--that the Government was anxious to seek occasions for the dismissal of its political opponents. Now all he could say was, that when he had the honor of sitting on that side of the house before, and since he had sat there lately, in no single instance of his being asked to give his advice, or to concur in the dismissal of any officer, did he ever do so without extreme pain. And from what he could see of his colleagues, there was not any of them that did not participate in the same feeling. A government was frequently placed in an extremely difficult position in dealing with cases of this kind, and he must say that he could not agree with his hon. friend, that the course he had pointed out was the best for a government to pursue in every instance. There were certain offices held at the pleasure of the Crown, and he would give it as his opinion, that it was the duty of the Crown to be careful that the persons who held those offices did not act in opposition to it. He would further<sup>36</sup> lay it down broadly that the Crown is bound to exercise a discretion in case where a complaint is made against a public officer for misconduct, for which he could be punished in a court of Justice<sup>37</sup>. It was not always the duty of the Government to wait until a criminal prosecution had been decided before they took any steps when an office holder was charged with criminal practices. He did not mean to say that cases would not arise, and perhaps the majority of them would be of that class, when the Government would naturally and very properly wait until a criminal prosecution had taken place; all that he wanted to show was, that the Government was not bound to make such delay in all cases. He would say then that it was not a sound position taken up by the hon. gentleman, when he said that the Crown ought to communicate the names of the petitioners in all cases to the<sup>38</sup> public officers against whom charges are made<sup>39</sup>. He would, of course, admit that if there were any reason to suppose that they should be as speedily as possible brought to account, and he would in that case be as ready as any one to advise the communication of their names. But taking it as a broad principle, he must say that he was entirely opposed to it, as

it would, in many cases, be attended with inconvenience. If it were admitted, as an invariable rule, Government would at once be prevented from obtaining any information, and in the midst of conspiracies<sup>40</sup> to overturn the Government<sup>41</sup> would be thus prevented from taking means to preserve its own safety. However, the question really was not what were the names of the petitioners, but was the accusation contained in the petition well founded; and believing it was, he asserted that the course taken by the Government was perfectly correct. Mr. Dixon held an office at the pleasure of the Crown, and under the advice given by ministers who were held responsible to that house; as a matter of course if they had given improper advice, they were open to censure--and charges had been brought against him, and he was required to give any explanation that he pleased. It had been said that he had denied their truth; but it could be shown that he had not done so<sup>42</sup> distinctly.<sup>43</sup> His demand for the names was evidently nothing but a pretence. Instead of entering into an explanation, he at once set up the indefensible proposition, that an officer of the Crown must have the names of his accusers given to him, before he could be called on for his defence.<sup>44</sup>

MR. H. BOULTON (Norfolk)--Hear, hear.<sup>45</sup>

MR. AT. GEN. BALDWIN heard the hon. gentleman's cheer, and in reply to it would tell him that it was a monstrous proposition, and one to which he would be no party.<sup>46</sup>

MR. H. BOULTON--Hear, hear.<sup>47</sup>

MR. AT. GEN. BALDWIN continued. The first thing that gentleman ought to have done--and it was his bounden duty to do it--immediately on seeing that communication from government should have been to deny the truth of the statement; but in his first letter he did nothing of the kind, and in his letter of the 19th Feb., the denial was such as it was impossible for the government to receive, for he said that he could not enter into any explanation so long as he was ignorant of the names of his accusers. Now, he said that was not the mode of dealing with this question, for instead of making a distinct denial, he said that he could not do so except on certain conditions.<sup>48</sup> This was not the way for a public servant to act.<sup>49</sup>

MR. H. SHERWOOD interrupted the hon. gentleman to enquire whether it was his intention to lay this correspondence before the House.<sup>50</sup>

MR. AT. GEN. BALDWIN said, he would give the correspondence, but certainly not the names, for he was satisfied that the Government had acted properly, and he would not consent to give these names indirectly now, when they had been refused before. If Mr. Dixon should at any time shew any good reason for demanding these names, the Government would then use its discretion, but it certainly would not consent to give them now. He wished that there should be no misunderstanding of his position on the question; the names should not have been given under the circumstances of the case. He was very far from saying that the names might not have been given under any circumstances; it was the grounds on which Mr. Dixon founded his claim to them that he objected to. In other cases of a similar kind, the names were sometimes granted, and sometimes refused; in many cases, names were not only refused, but the parties were dismissed without even the reason for it being given, although applied for. Mr. Dixon had set up a claim of right for these names, notwithstanding this, and without denying that the charges against him were true; he considered that it would have been very wrong to countenance that claim. If Mr. Dixon had chosen to deny the charges, there would have been an investigation, and his accusers would, of course, have appeared against him. It had been a matter of pain and regret to him and all the members of the administration to dismiss Mr. Dixon, but their duty compelled them to do so.<sup>51</sup>

COL. PRINCE had known his hon. and learned friend, the Attorney General for many years, he had been engaged with him at the bar and was well acquainted with his talents, but he had never seen his powers of special pleading fail him<sup>52</sup> so



signally<sup>53</sup> as they had done that night.<sup>54</sup> He had expected something like a statesmanlike speech.<sup>55</sup> He had said that Mr. Dixon did not deny the charges made against him. He would like to know what was the denial if this was not, "that false and unfounded as the charges are, I must nevertheless decline replying, if not made acquainted with the name of my accusers." What was that but a positive denial. The Attorney General had said that he had never been a party to any dismissals on political (sic) ground. Was he not a member of the Administration when Mr. Ferres was dismissed? Yes; he was in power now, to the chagrin of the members on that side of the House, and of the country. Yes it was<sup>56</sup> political vindictiveness, and making "public notoriety" lawful evidence<sup>57</sup> in Mr. Ferres' case, and he would venture a suspicion that it was ... in ... this case also, for Mr. Dixon was a great opponent of the Administration. He was not much opposed to the hon. member for London, (Mr. Wilson) for he was too honest a politician to be opposed to so honest a man as Mr. Dixon. He believed that he was still a good, honest conservative, although it was suspicious to see him introduced by two Radical members. He was standing at the time, ready to be introduced when he (Mr. Prince) entered, and he thought the gentleman had no friends and offered to introduce him--but the hon. member declined the offer with his usual politeness--for he was always polite, as he (Mr. P.) knew from his acquaintance with him at the bar--they had figured at more than one bar together, when up stepped two radical members, and the hon. member was introduced; but he did not believe that he had changed his politics notwithstanding. He admitted fully the right of the Crown to dismiss Queen's Counsel, Revenue officers, and others like them; but he put the magistrates on higher grounds. They were charged with the administration of the law--they were in fact part of the Government--in their hands was the liberty of the subject--on the honesty, ability, and discretion with which they discharged their duties, the rights and interests of the people depended. He held that because a gentleman holding such a commission, burnt a little straw, spake a hasty word<sup>58</sup> when he ought not according to etiquette to have done so<sup>59</sup>, or signed a paper which was distasteful to the head of the Government, he should not be dismissed from such a situation<sup>60</sup>, particularly by the mode which the Government adopted. The proper way was to have dropped his name from the list.<sup>61</sup> There was a wide distinction between leaving a person out of the commission, and dismissing him; although in one case, the feelings were often wounded much deeper than was supposed, it was nothing like attaching a stigma to a man by dismissing him, which almost rendered him unfit to be received into civilized Society<sup>62</sup>, but he believed the injustice would affix a fouler blot on the ministry.<sup>63</sup> He denounced the injustice of withholding the names of his accusers, and the refusal of the Secretary of the Province to obey the subpoena to attend at London. He asked if the members of government, if the Governor General himself was above the law? He concluded by remarking that their conduct was such as to secure their condemnation by the country.<sup>64</sup>

MR. H. SHERWOOD entered at considerable length into the question, going over the same ground as Mr. Cameron of Cornwall.<sup>65</sup> ((He)) had supported the view of government in dismissing the annexationists; but he agreed with Col. Prince that he never saw the Attorney General make out so poor a case.<sup>66</sup> He considered it most unjust, and dishonest to refuse the names of the accusers in Mr. Dixon's case, considering the kind of charges which were made against him. It was placing him in a worse position than a criminal. The hon. member here went over the circumstances of the case.<sup>67</sup> He then proceeded to say, that Mr. Dixon with such information as he could procure had laid information before the grand jury against certain parties and a true bill had been found against them for libel. He had also subpoenaed the Secretary not gone to give evidence, but they had entered a nolle prosequi against the parties accused.<sup>68</sup> He contrasted this conduct with that of Lord Metcalfe who returned a complaint against a magistrate to the party making it, and would not act upon it because he would not agree to withhold the name of his accusers from the magistrate. He denounced the government for preventing Mr. Lesslie from obeying the subpoena and obstructing the course of law<sup>69</sup>. The Ministry were pursuing a tyrannical (sic) high-handed course, not only in the country but in that House; they



had thrown out a petition, and had refused even to hear the bills<sup>70</sup> of public importance<sup>71</sup> of an hon. member<sup>72</sup> and not satisfied with this, had even carried their tyranny into courts of justice<sup>73</sup>, and by their subservient majority ... ((carried)) out the most tyrannical measures.<sup>74</sup>

MR. PAPINEAU spoke at considerable length against the course of the Administration.<sup>75</sup> ((He)) very strongly censured the Government for refusing to give up the names of Mr. Dixon's accusers. He thought that if they were honest men they would desire that their names should be known; and he did not think that it became a government to harbour vile spies.<sup>76</sup> He asserted that "reptiles were their bosom friends."<sup>77</sup> He charged the government with being corrupt, and harbouring spies. It had been a characteristic of the present government to commit arbitrary acts. They felt that they were secure in their majority; and they put their passions in the room of the law.<sup>78</sup> ((He)) compared the conduct of the Ministry to the Council of Ten of Venice, to the inquisition and to several other secret and despotic tribunals which history describes. He mentioned the case of Mr. Papineau in Lower Canada referred to by Mr. Sherwood and made a furious attack on Mr. Lafontaine for his conduct on this occasion.<sup>79</sup> He characterized Mr. Baldwin's excuses, that Mr. Dixon had not made a different kind of denial of the charge as a mean subterfuge.<sup>80</sup>

COL. GUGY in 1836 had been dismissed from office by an Act of Parliament without evidence or even a complaint against him.<sup>81</sup> He hoped that he might not give offence in any quarter, when he stated, that<sup>82</sup> his sympathies in consequence were with Mr. Dixon. The office of magistrate was an onerous one and he thought it dangerous to tamper with it, for by ill treatment many persons might be induced to throw up posts which were only productive of labour and deep annoyance.<sup>83</sup> ((He)) very mildly and very politely propounded his opinion that the government had done wrong in refusing the names of Mr. Dixon's accusers to him.<sup>84</sup> Mr. Dixon was entitled to the names ... he knew nothing of the facts; he treated it merely as a question of abstract justice. But even if that were correct, as stated by the Ministry, there should be no objection to the production of papers unless the public service would be damaged by it<sup>85</sup>. Unless the Government said the production of the papers would prejudice the public interests he should vote for their production.<sup>86</sup>

MR. INSP. GEN. HINCKS said, the member for St. Maurice has wasted a great deal of eloquence in proving the Government to have acted tyrannically. He thought it necessary to enter into the facts of the case. It was highly important to examine into the nature of the charges, to arrive at a correct conclusion on the matter. Mr. Dixon was a well known resident of London, and he was well known as a leading member of the Orange Society. Mr. Hincks then proceeded to quote from the depositions in the case, which had been sent to Mr. Dixon, the following facts:--At a meeting held in London, Mr. J. B. Strathy observed a person armed with a club about to strike a person in the crowd. He endeavored to disarm him, but was prevented by Mr. Dixon. There were also certain general charges against his conduct as a magistrate in the depositions, which were not however sent to him only the specific charges were submitted. Two magistrates of the town, Messrs. Daniels and Barker, waited on Mr. Dixon to request his assistance in preventing the burning of an effigy, nobody could prevent them from burning a little straw if they liked, and recommended the gentlemen to mind their own business, and he would mind his." In consequence a riot did take place, and several persons were injured. It would be observed that these charges were given in the most distinct manner, the names of the parties concerned having been furnished. Why did Mr. Dixon not meet the charges?<sup>87</sup>

MR. H. SHERWOOD said he had denied them.<sup>88</sup>

MR. INSP. GEN. HINCKS would contend that he had not. He did not think a general allegation was a sufficient answer to specific charges.<sup>89</sup> Why did he not offer a distinct denial, even supposing for the sake of argument that the government were wrong in refusing the names, was that any reason why Mr. Dixon should refuse to vindicate his character? The next charge referred to a meeting held in another part of

the County of Middlesex; an inflammatory placard was published and distributed by him calling on the people to break up the meeting by force. Mr. Dixon, he said, had chosen his ground, not to make any defence unless he were furnished with the names of his accusers; and the general allegations which he made were not a sufficient answer. He (Mr. H.) wished to know what advantage it would have been for this Orange magistrate to have the names of those persons who signed the petition. The individual was distinctly charged with a breach of the peace, riots took place, and the Executive Government was called upon to publish the names of those who gave the information, that they might be a mark to his co-conspirators who assemble in Orange lodges. It would have been a gross dereliction of duty on the part of the government, had they thus held up those individuals in the manner desired. No injury was sustained by Mr. Dixon, in consequence of the course pursued by the government. Most serious charges were preferred against him, and every information was furnished which he could reasonably desire; and not answering them, no course remained but to dismiss him.<sup>90</sup>

MR. H. BOULTON said, if there ever was a case, which proved that the Attorney General should not belong to the Cabinet, this is one; as no other than one of that body would have given the advice he did<sup>91</sup>. If the hon. Atty. Gen., with his love of English precedents, had been able to find one, the House would have had it pompously read to it. There was no precedent for the disgraceful act of the Government in Mr. Dixon's case.<sup>92</sup> It was an unconstitutional, unjust, and unprecedented proceeding; that a British statesman would dare to say he would not obey the Queen's writ. The lowest Attorney would be ashamed of pursuing the course which had been pursued by the Attorney General. Did he not know that the most eminent statesmen in England are subpoenaed at the instance of any person, however humble, who may wish it. It was not for them to say they would not obey. If they did, they would be forcibly brought into the Court, which would decide if the documents they possessed were required or not.<sup>93</sup> There was no English precedent for such an insult to the justice of the country; and it could not be palliated.<sup>94</sup> The course pursued by the Government was disgraceful; and if the present administration might act in this manner, any other could do the same. What a figure would the Provincial Secretary have cut, had he been cited by the Crown officer, and if the documents were not wanted, he would be told he could go home. But the refusal to attend was an insult to the justice of the country, and an infringement upon public liberty. The government, he added, could dismiss at pleasure, but it might be called upon by the house for an explanation.<sup>95</sup> The gentleman proceeded to dilate on the meaning of the "pleasure of the Crown." He stated that it was never meant to be an arbitrary pleasure, and still less in the case of a magistrate.<sup>96</sup> Mr. Dixon was charged with refusing to attend and suppress a tumult. But the Attorney General and others had been burnt in effigy in Montreal, while the Magistrates were looking on, and perhaps the Attorney General was among them; but there were no dismissals. Then the Inspector General charged Mr. Dixon with being an Orangeman. He had heard of the Inspector General being at an Orange dinner, and giving as a toast the health of the Grand Master.<sup>97</sup>

MR. INSP. GEN. HINCKS explained that such was not the fact. The dinner alluded to was not an Orange dinner; and the health of Mr. Gowan was given, without any reference to his being the Grand Master of the Orange Society.<sup>98</sup>

MR. H. BOULTON continued. He disapproved of Orange Societies, or any other secret societies and belonged to none of them; still he had known many respectable persons who did. He had already said the Government had a right to dismiss a public officer; but it must not be done from any unworthy motives, but because the individual had done something prejudicial to the public interests. Mr. Dixon, he said, acted like an independent Englishman, who would not submit to an examination without the names of his accusers were given him; and as the Attorney General must be aware, in that case he might have brought his action against the parties. But suppose he had allowed the examination to have proceeded, and been acquitted, and then asked for



the names of the parties, he would have been told by the Government in reply that it was of no consequence.<sup>99</sup>

MR. CHAUVEAU spoke in French.<sup>100</sup> ((He)) said he had listened with great attention to what had taken place. If it only concerned the question as to whethether (sic) the Secretary should have gone to the court to submit to examination, he should hesitate very little to say he ought. If it were a question whether the names of the accusers ought to have been given in like manner, he should say yes. But the question was whether the magistrate had the right to refuse to justify himself, because the names of the accusers were not given. He thought he should not have refused to justify himself against a public charge of this character, which he might have replied to without knowing the names of the parties. He also thought, that under the circumstances, the magistrate being an Orangeman, and having therefore an occult force at his disposal, there was considerable reason which would not usually exist for refusing to give these names, especially in the excited state in which the country was. He did not think however, that this excused the conduct of the Secretary, in refusing to appear as a witness in the court, especially as he differed from Mr. Boulton in thinking that the court would, as it might if it thought proper to do so, exempt the witness from producing these papers which were required.<sup>101</sup> He would vote against the motion.<sup>102</sup>

MR. NOTMAN did not wish it to go abroad, that Mr. Dixon was not in possession of the names of those persons who signed the petition against him. He (Mr. N.) had noticed that all the speakers on the other side were lawyers, and it appeared to him that they had been too much influenced by the principles of their profession, and more so than the transaction warranted. It had been stated repeatedly, that Mr. Dixon was the victim of oppression; but he would state for the information of the House, and it was a matter of public notoriety, that so far from being unable to come forward and show that he had been traduced and vilified by persons whose names he did not know, he was acquainted with the names of every person who signed the petition; and who had<sup>103</sup> long ago<sup>104</sup> come forward openly and acknowledged the fact. Then why was this question brought so conspicuously before the country. And when he found the debate on such a subject extended to so great a length, he could not sit still and refrain from stating what were the facts. He would ask hon. gentlemen opposite if they recollected the case of the magistrate at Middlesex, during the government of Lord Metcalfe, who having been, as the government thought, too active in the investigation of truth, was removed from the commission of the peace, without a charge being brought against him; and the government of that day, from mere spleen, issued their fiat for his dismissal, without any accusation being preferred, and without the shadow of an accuser.--He was a liberal person of the highest character, and commanded very general respect. He was an Irishman, but his pluck was good; and he at once enquired of the Government, why he was dismissed? And the answer he received was, that his Excellency had been pleased to re-instate him in the commission of the peace. He (Mr. N.) would not justify one wrong by the perpetration of another; but the members on the other side of the house should not forget bye-gone days. One of those gentlemen, when a Governor General was formerly burnt in effigy, was called before the House, where he displayed all the graces of a dancing-master, but refused to answer any questions, or to exculpate himself, and was committed to the custody of the Sheriff for his refusal. The entire complaint which had been made was based on the fact, that the Government had not furnished Mr. Dixon with the names of his accusers. If he had said the charges were false, and that he was prepared to answer them, then the government would not have proceeded without giving him the names. The fact was, all the noise that was made about Mr. Dixon, was a piece of claptrap and political humbug. The country, he said would be more indebted to members on the other side of the house, if they would devote more of their time to practical and useful measures.--Night after night one particular member had addressed the House, who during his attendance there had never introduced a useful measure, or one from which the country had derived any benefit.<sup>105</sup> ((He)) offered to meet Mr. Boulton in



Norfolk or in Middlesex and test their respective merits.<sup>106</sup> Mr. N. concluded by saying that he considered Mr. Dixon as a violent partizan, who discharged his duty as a public officer rigidly enough, perhaps, but whose conduct in other respects, did not entitle him to the consideration which had been bestowed upon his dismissal. He should therefore oppose the motion of the member from Cornwall.<sup>107</sup>

SIR A. MACNAB spoke generally in reply to the remarks of the last member.<sup>108</sup> The hon. gentleman, who had just sat down, had referred to an occurrence with which he was connected about twenty years ago; and had described him (Sir Allan) as acting the part of a dancing master, in allusion to what took place before the committee. However that might be, the learned member for Middlesex had himself very often jumped "Jim Crow." He (Sir Allan) knew nothing of the opponent (sic) was to draw from him when before the committee, that of which they might make political capital. Handy, the magistrate, was dismissed by a Conservative government, and when he wrote to them for the reason of his dismissal, they acted like honest men and re-instated him. The learned member, he said, could not have adduced a stronger case in favor of the late government.<sup>109</sup> He talked about meeting people in their counties--he had met the hon. member in his county, and had beaten him, and he had also had his support as a good Tory.<sup>110</sup> He thought the Inspector General had done Mr. Dixon an injustice in trying to set a prejudice afloat against him for being an Orangeman.<sup>111</sup> Ought that circumstance to prejudice his case in that House, because a large proportion of the supporters of the Inspector General were Roman Catholic.<sup>112</sup> He thought that he had not been very complimentary to the Catholics.<sup>113</sup> He (Sir Allan) however, had it from the best authority, which had been communicated to him since the debate commenced, that Mr. Dixon is not an Orangeman,<sup>114</sup> (hear, hear)<sup>115</sup>, and must be held in the highest estimation in the country, when the member for London (Mr. Wilson) had only thirty-nine votes more than at the last election, and had thus nearly deprived the House of the Hon. member's services. The gallant Knight here went into the various charges adduced against Mr. Dixon in the petition, which he treated with much humour, and described as being too vague and indefinite to found proceedings upon<sup>116</sup> and characterized them as infamous and wicked<sup>117</sup>, and from which it appeared, that Mr. Dixon had been tried and acquitted on that of which the petitioners still deemed him guilty.<sup>118</sup> He believed a great injustice had been done to Mr. Dixon, and hoped the House would support the motion of his hon. friend from Cornwall.<sup>119</sup>

MR. INSP. GEN. HINCKS wished to explain with reference to a misconception of the hon. members for Norfolk and Hamilton.<sup>120</sup> ((He)) explained that he had no intention of raising prejudice against Mr. Dixon.<sup>121</sup> He did not say or imply that Mr. Dixon would have received different treatment if he had not been an Orangeman--but when those secret societies existed, in the then excited state of the public mind, if the names of the parties who accused one of their leaders were known, they would not have been safe from violence.<sup>122</sup>

SIR A. MACNAB--Then the Inspector General charged the Orangemen with the desire of taking violent revenge.<sup>123</sup> It was a dark and foul accusation against a most respectable body of men to insinuate that they would commit violence; and he believed they were actuated by high and patriotic motives.<sup>124</sup>

MR. HOLMES considered that Mr. Dixon had given a very guarded denial and<sup>125</sup> desired to ask one question of the Administration--whether they were willing to grant the papers required, with the omission of the names of the parties accusing?<sup>126</sup> If the government gave all the correspondence except the names, he would support it.<sup>127</sup>

MR. AT. GEN. BALDWIN said that they were quite willing to do so.<sup>128</sup>

MR. WILSON said, he hoped the House would excuse him from voting, as he might be supposed to have a personal interest in the case.<sup>129</sup>

(47)

*The House divided: and the names being called for, they were taken down, as follow:--*

## YEAS.

Messieurs Badgley, Boulton of NORFOLK, Boulton of TORONTO, Cameron of CORNWALL, Christie, Crysler, Dickson, Gugy, Hopkins, Johnson, Sir Allan N. MacNab, Malloch, McConnell, Papineau, Prince, Robinson, Sanborn, Scott of BYTOWN, Seymour, Sherwood of BROCKVILLE, Sherwood of TORONTO, Smith of FRONTENAC, and Stevenson.--  
(23.)

## NAYS.

Messieurs Attorney General Baldwin, Bouthillier, Burritt, Cartier, Cauchon, Chabot, Chauveau, Davignon, DeWitt, Dumas, Fergusson, Flint, Fortier, Fournier, Guillet, Hincks, Holmes, Jobin, Lacoste, Attorney General LaFontaine, LaTerrière, Laurin, Lemieux, Lyon, Solicitor General Macdonald, Marquis, Morrison, Notman, Price, Ross, Sawageau, Scott of TWO MOUNTAINS, Smith of DURHAM, Smith of WENTWORTH, Taché, Thompson, and Viger.--(37.)

So it passed in the Negative.

Portuguese  
Consul at  
Montreal.

The Honorable Mr. Attorney General Baldwin, one of Her Majesty's Executive Council, presented, pursuant to an Address to His Excellency the Governor General, the following Return:--

Return to an Address to His Excellency the Governor General from the Legislative Assembly, dated 31st ultimo, praying His Excellency to direct to be laid before the House, copies of any Correspondence that may have passed between His Excellency and Her Majesty's Secretary of State for the Colonies, in relation to the proposed appointment of Mr. J.G. Mackenzie as Portuguese Consul at Montreal.

(48)

By Command.

J. LESLIE,  
Secretary.

Secretary's Office,  
Toronto, 4th June, 1850.

Copy--No. 433.

Downing Street,  
16th November, 1849.

My Lord,--The Portuguese Minister at this Court having requested Her Majesty's Government to grant the necessary Exequatur to enable Mr. J. G. Mackenzie, who has been appointed Portuguese Consul at Montreal, to enter upon the duties of his office, I have to desire that you will inform me whether you are aware of any objection to the confirmation of this gentleman's appointment.

I have, &c.

(Signed,) GREY.

Right Honorable  
The Earl of Elgin,  
&c. &c. &c.

Copy--No. 138.

Toronto, 28th December, 1849.

My Lord,--In reply to Your Lordship's Despatch No. 433, of the 16th November, I think it right to state that the signature of Mr. J.G. Mackenzie is affixed to the document transmitted in my Despatch No. 129, of the 3rd instant, in which separation from Great Britain and annexation to the United States of America is recommended as the remedy for certain evils under which this Province is alleged to suffer, and that it was affixed thereto with his consent, as appears from a letter from him to the Provincial Secretary, of which I enclose a copy.

I am not aware of any other objection to the confirmation of that gentleman's appointment as Portuguese Consul at Montreal.

I have, &c.

(Signed,)

ELGIN AND KINCARDINE.

Right Honorable  
The Earl Grey,  
&c. &c. &c.

Copy.

Montreal, 2nd November, 1849.

Sir,--I have the honor to acknowledge the receipt of your communication, dated 30th ultimo, requesting, by order of the Governor General, to know whether my name, which has appeared in a document recommending annexation to the United States, had been placed there with my consent.

In reply I do not hesitate to declare, that my signature was placed there, not only deliberately, but cheerfully and voluntarily; conscientiously believing as I do, that the best interests, ultimately, alike of this my adopted, as well as that of the mother country, would be benefitted by the change.

I have, &amp;c.

(Signed,) J.G. MACKENZIE

The Honorable James Leslie,  
Secretary, &c. &c. &c.  
Toronto.

Copy.

Downing Street,  
18th February, 1850.

My Lord,--I have the honor to acknowledge the receipt of Your Lordship's Despatch No. 138, of the 28th December last; and to acquaint you in answer, that I have apprised Viscount Palmerston that I regard the conduct of J.G. Mackenzie, in having affixed his name to the document advocating the annexation of Canada to the United States of America, as a disqualification for the office of Consul which the Portuguese Government proposed to confer upon him.

I have, &amp;c.

(Signed.) GREY.

Right Honorable  
The Earl of Elgin,  
&c. &c. &c.

L. Comte's  
Relief Bill.

Ordered, That Mr. Cartier have leave to bring in a Bill to enable Louis Comte to recover a certain amount due to him by the Parish of St. Edouard, in the District

of Montreal.

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time, on Wednesday next.

MR. H. SHERWOOD<sup>130</sup> asked leave to introduce a Bill relating to protested notices and Bills of Exchange. He<sup>131</sup> said it was intended to remedy the hardships that had been felt under the operations of a bill of last Session. It would limit the expense of<sup>132</sup> protesting a note<sup>133</sup> to<sup>134</sup> not more than two shillings and sixpence in addition to postage.<sup>135</sup>

MR. HOLMES thought it desirable that the law on the subject should be the same in Upper and Lower Canada, and the Bill should apply to both Provinces. If two and sixpence was sufficient for a protest in Upper Canada it was so in Lower Canada also.<sup>136</sup>

MR. H. SHERWOOD had no objection.<sup>137</sup>

MR. M. CAMERON (Kent) had given notice of a Bill to abolish all protests whatever. He would however like to see Mr. Sherwood's Bill referred to a Committee.<sup>138</sup>

MR. HOLMES hoped the mover would consent to refer it to a Committee who would



take up the Bill of the hon. member for Kent also, and make a uniform law.<sup>139</sup>

MR. CARTIER observed with reference to the Promissory Note Act of last session that the insertion of the words "not otherwise or elsewhere," had been found to be very inconvenient.<sup>140</sup> ((He)) desired that whatever Bill was adopted should apply to both Provinces.<sup>141</sup>

MR. DEWITT concurred in the remark, and also<sup>142</sup> complained that under the Bill of last Session on this subject for Lower Canada the Banks charged interest for the full time of all Bills, although those due on holidays were payable the day before.<sup>143</sup>

MR. HOLMES felt it due to himself to say something on his Bill of last Session. It was introduced to simplify and render uniform the acts formerly in force, and it was very much approved of, not only by merchants and bankers, but by legal gentlemen, and the Judges of the Queen's Bench. The only thing he believed objected to was the introduction of the words into the notes "and not otherwise or elsewhere."--and these were not by the framer of the Act, but at the request of a member of the Upper Canadian Parliament, on the ground that it was the legal form in Upper Canada and in England.<sup>144</sup> He had no objections to their removal.<sup>145</sup>

MR. MORRISON said that his Bill last Session for Upper Canada, had not increased the costs of a protest; it had not altered the act formerly existing in that respect it had only compelled the enforcement of the former practice in all cases, by preventing the collection of interest on overdue notes, when it was not done.<sup>146</sup> It had been of the greatest benefit to the Banks, making parties pay their Notes, the cost of protest being on an average of 12s 6d, though his Bill had not fixed any sum as a legal charge. He was willing to see such a modification of the law as would fix the amount the notary should receive (sic) for protesting.<sup>147</sup>

MR. SHERWOOD was willing to have his Bill along with that of Mr. Cameron's referred to a select Committee.<sup>148</sup>

MR. M. CAMERON (Kent) was satisfied with the proposal of the member for Toronto.--He said by his bill protests would be done away with altogether on notes.<sup>149</sup>

MR. WILSON said the rates for protesting were much too high.<sup>150</sup>

MR. J. SMITH (Durham) thought the protest might be done away with, for Inland Bills and promissory notes.<sup>151</sup>

MR. G. SHERWOOD (Brockville) thought the protest should be made evidence of presentation, and dishonour, which it was not now.<sup>152</sup>

(48)

Bill relating  
to Protests  
(U.C.)

Ordered, That the Honorable Mr. Sherwood have leave to  
bring in a Bill to limit the sum to be allowed for the  
expenses of noting and protesting Bills and Notes, in  
certain cases, under the Act to regulate the damages

on Protested Bills of Exchange in Upper Canada.

He accordingly presented the said Bill to the House, and the same was received  
and read for the first time; and ordered to be read a second time, on Monday next.

On motion of Mr. Smith of Frontenac, seconded by Mr. Seymour,

Queen's Coun-  
sel and Counsel  
for the Crown.

Resolved, That an humble Address be presented to His Ex-  
cellency the Governor General, praying that His Excel-  
lency will be pleased to direct the proper officer to  
lay before this House, a Return of the names of gentle-

men who have been employed as Queen's Counsel, or Counsel for the Crown in this  
Province, since the Union of the Provinces, and the several amounts paid to them for

services, and the names of Crown Officers and Counsel for the Crown who have attended the Circuits since that time.

Ordered, That the said Address be presented to His Excellency the Governor General by such Members of this House as are of the Honorable the Executive Council of this Province.

Registry Law  
(U.C.) Bill.

Ordered, That Mr. Smith of Frontenac have leave to bring in a Bill to amend the Registry Law of Upper Canada.

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time, on Monday, the seventeenth instant.

On motion of Sir Allan N. MacNab, seconded by Mr. Dickson,

Indemnifica-  
tion Bill (L.C.)

Resolved, That an humble Address be presented to His Excellency the Governor General, praying that he will be pleased to direct to be laid before this House, copies of the Despatches referred to in the Despatch of the Right Honorable the Earl Grey to the Right Honorable the Earl of Elgin, dated 9th January, 1850, and all other Communications or Despatches between the Right Honorable the Secretary of State for the Colonies and the Governor General of this Province, on the subject of the Bill, intituled, "An Act to provide for the Indemnification of parties in Lower Canada, whose property was destroyed during the Rebellion in the years one thousand eight hundred and thirty-seven, and one thousand eight hundred and thirty-eight."

Ordered, That the said Address be presented to His Excellency the Governor General, by such Members of this House as are of the Honorable the Executive Council

(49)

of this Province.

Flour and  
Meal Bill.

Ordered, That Mr. Holmes have leave to bring in a Bill to amend and consolidate the Laws regulating the inspection of Flour and Meal.

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time, on Wednesday next.

Orders of  
the Day.

Mr. Smith of Frontenac moved, seconded by Mr. Prince, and the Question being put, That the Orders of the day be postponed until to-morrow; the House divided:--And it passed in the Negative.

Orders of  
the Day.

The Honorable Mr. Boulton moved, seconded by Mr. Dickson, and the Question being put, That the Orders of the day be postponed until to-morrow; the House divided:--And it passed in the Negative.

Edwardsburgh  
Side Lines  
Bill.

Ordered, That Mr. Burritt have leave to bring in a Bill to determine the mode in which the side lines in certain concessions in the Township of Edwardsburgh shall be run.

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time, on Monday next.

DR. DAVIGNON<sup>153</sup> ((moved)) for the first Reading of a bill to amend the act incorporating the Montreal School of Medicine and Surgery.<sup>154</sup>

MR. AT. GEN. BALDWIN objected to giving the power to confer degrees to an immense number of small institutions.<sup>155</sup>



(49)

Montreal  
School of  
Medicine Bill.

Ordered, That Mr. Davignon have leave to bring in a Bill to amend the Act incorporating the Montreal School of Medicine and Surgery.

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time, on Monday next.

Kingston Fire  
and Marine In-  
surance Bill.

Ordered, That Mr. Seymour have leave to bring in a Bill to incorporate the Kingston Fire and Marine Insurance Company.

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time, on Monday next.

Bill relating  
to Ship Masters  
and Pilots.

Ordered, That Mr. Lemieux have leave to bring in a Bill to repeal certain provisions of an Act passed in the last Session of the Provincial Parliament, and intituled,

"An Act to consolidate the Laws relative to the powers and duties of the Trinity House of Quebec, and for other purposes," and to exempt Masters of Vessels belonging to the District of Quebec from taking Pilots in certain cases.

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time, on Monday next.

Biddings at  
Sheriffs' Sales  
(L.C.) Bill.

Ordered, That Mr. Laurin have leave to bring in a Bill to guarantee Biddings at Sheriffs' Sales in Lower Canada.

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time, on Monday next.

Orders of  
the day.

The Honorable Mr. Sherwood moved, seconded by Mr. Smith of Frontenac, and the Question being put, That the Orders of the day be postponed until to-morrow;

The House divided: and the names being called for, they were taken down, as follow:--

YEAS.

Messieurs Badgley, Boulton of NORFOLK, Boulton of TORONTO, Dickson, Sir Allan N. MacNab, Malloch, McLean, Papineau, Prince, Robinson, Seymour, Sherwood of BROCKVILLE, and Smith of FRONTENAC.--(13.)

NAYS.

Messieurs Attorney General Baldwin, Bouthillier, Cameron of KENT, Cartier, Cawthon, Chabot, Chauveau, Crysler, Davignon, DeWitt, Dumas, Fergusson, Flint, Fortier, Fournier, Guillet, Hincks, Holmes, Hopkins, Jobin, Johnson, Lacoste, Attorney General LaFontaine, Laurin, Lemieux, Solicitor General Macdonald, McConnell, Morrison, Notman, Price, Sanborn, Sauvageau, Scott of TWO MOUNTAINS, Smith of DURHAM, Smith of WENTWORTH, Stevenson, Taché, Thompson, and Viger.--(39.)

So it passed in the Negative.

Silverthorns'  
Dam Bill.

Ordered, That Mr. Notman have leave to bring in a Bill to authorize Aaron Silverthorn and Newman Silverthorn, their heirs or assigns, to build a Dam across the

River Thames.

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time, on Monday next.

Bankrupts  
Relief Bill.

Ordered, That Mr. Smith of Durham have leave to bring in a Bill to afford relief to Bankrupts in certain cases.



He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time, on Monday next.

Promissory  
Notes and  
Bills of Ex-  
change Bill.

Ordered, That the Honorable Mr. Cameron of Kent have leave to bring in a Bill to amend and explain the Acts therein mentioned relative to Promissory Notes and Bills of Exchange.

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time, on Monday next.

Orders  
deferred.

Ordered, That the Orders of the day be postponed until to-morrow.

Then, on motion of the Honorable Mr. Boulton, seconded by Mr. Dickson,  
The House adjourned.

((MOTION RE: ADDRESS CONCERNING COPPER COINAGE.))<sup>156</sup>

MR. W. BOULTON (Toronto) moved for an Address to his Excellency, for any correspondence respecting the issue of copper coinage by the banks of this Province with the Home Government.<sup>157</sup>

MR. INSP. GEN. HINCKS said there had been no correspondence with the Home Government on the subject.<sup>158</sup>

((QUESTION AND ANSWER RE: RECIPROCITY.))<sup>159</sup>

MR. SEYMOUR ((made)) an enquiry.<sup>160</sup>

MR. INSP. GEN. HINCKS stated that the government were not prepared to say what course they would take if the United States refused to pass a reciprocity bill. He hoped that such would not be the case; and had every reason to believe that it would not.<sup>161</sup>

((WITHDRAWN MOTION RE: ADDRESS CONCERNING MAJOR C.A. LOW.))<sup>162</sup>

MR. JOHNSON moved for an address to his Excellency for copies of the correspondence relative to the appointment of Major C.A. Low, to the command of the 1st battalion Prescott Militia. He stated that the appointment had created considerable dissatisfaction in the country, owing to his being non-resident, while the law required that all militia officers should be resident in the country for which they are appointed.<sup>163</sup> ((He)) desired to get the appointment reversed.<sup>164</sup>

MR. J. SCOTT of (Bytown) strongly objected to the appointment, and stated that he had been informed by the hon. Attorney General West, that the Militia appointments for Lower Canada rested with the Deputy Adjutant General. He wished to know from the Attorney General West, if this were really the case, because if it were, who was responsible to the House and the country.<sup>165</sup>

MR. AT. GEN. BALDWIN stated, the present administration had nothing to do with the appointment of Mr. Low to his Majority, that was done by the late ministers. He objected to private conversations being brought forward for public discussion; and he certainly did not use the words in the sense attributed to them by the member for Bytown. He quoted from a letter of Mr. Johnson's to the Militia department showing that he approved of Mr. Low's promotion to the command of the Battalion at the period when he was appointed--as for the illegality of the appointment on the ground of the absence of Major Lowe, leave of absence was applied for and obtained in the regular course from the Adjutant General.<sup>166</sup> The non-residence of Mr. Low was expected to be only temporary.<sup>167</sup> Lt. Col. Low had now returned to his district and was in correspondence with the department. The hon. Attorney General read from a letter dated 23rd May, addressed to the Deputy Adjutant General. He had no objection to the production of the correspondence, if after this explanation it was thought necessary.<sup>168</sup>

MR. JOHNSON explained, and said he had done his duty to his constituents in bringing the subject before the House, and did not desire to press it further.<sup>169</sup>

SIR A. MACNAB found much fault with the member from Prescott, for attempting to influence the colonel of a battalion of the Militia with reference to recommendations. It was an interference he would not tolerate himself, and thought that Lt. Col. Low did perfectly right, in rejecting the advice that was tendered him. He also approved of the conduct of the government in selecting that officer, as he knew him to be a man of wealth and influence in the country. As to his being in Montreal during the last year, he considered it would be a great hardship upon militia officers, if they were to be deprived of their commissions on

account of a temporary absence even of a year's duration.<sup>170</sup>

MR. H. SHERWOOD took the same view of the subject, and inferred from what took place during the government of Lord Metcalfe, that he would not allow even the Executive Council, to interfere with militia appointments. The question in which the discussion had originated, he said, was of no moment; but he was glad it had come up, as it would enable ministers to define theirs.<sup>171</sup>

COL. PRINCE said, Col. Low was a Major at the time his appointment was made, and therefore entitled to promotion.<sup>172</sup> ((He)) hoped that he was too high minded to condemn the government when he believed that it had done right; and<sup>173</sup> he should therefore support the government in the course they had pursued. He agreed with Sir Allan McNab that the interference of members of the Legislature was highly improper, and had a tendency to impair the efficiency of the militia system. General Hull attributed his disgraceful surrender at Detroit, when commanding a force ten times that of General Brock, to the circumstance of the officers under him being elected, and who, consequently, had improperly to consult the men. When however a new Battalion was to be formed, there might be no impropriety in consulting the member for the county.<sup>174</sup>

MR. INSP. GEN. HINCKS was not prepared to admit that the nomination of officers to fill vacancies in the Militia should be left to the Colonels, and the recommendation of the Adjutant General, who is an irresponsible officer. During the government of Lord Metcalfe, to which the member for Toronto had referred, it had been distinctly admitted that the government were responsible for militia appointments<sup>175</sup> and the appointments should be made in accordance with the wishes of the people. He was of opinion that the appointment should be made irrespective of party; and while the representative of the county had no right to control the appointments, it was not improper for him to watch over these appointments and to recommend persons to be appointed. He defended the promotion of Col. Van Norman to which he was entitled by his rank.<sup>176</sup>

SIR A. MACNAB considered the interference of members of the Legislature as another of the ill effects of responsible government; and alluded to the appointment of Mr. Van Norman, who took up arms during the rebellion of '38, and actually raised a company.<sup>177</sup> The Inspector General had recommended notorious rebels for militia officers.<sup>178</sup>

MR. INSP. GEN. HINCKS--No doubt I did.<sup>179</sup>

SIR A. MACNAB ((continued:)) He would ask if it were not a disgrace to the militia service, that<sup>180</sup> notorious rebels, men who were out under arrest (sic),<sup>181</sup> should be placed over gallant officers; and those who held commissions at the time should have resigned.<sup>182</sup> He condemned the appointment which the hon. member had defended. He said it was altogether unparalleled and wrong, to appoint rebels who had been in arms against the Queen, over the heads of the loyal men who had risked their lives to put them down.<sup>183</sup>

MR. INSP. GEN. HINCKS said the hon. and gallant knight never desired to have forgotten the<sup>184</sup> unhappy events<sup>185</sup> of 1837-38. He argued that after the Amnesty Act had been passed, that there were no more rebels.<sup>186</sup>

SIR A. MACNAB denied that the Amnesty Act was then passed.<sup>187</sup>

MR. INSP. GEN. HINCKS ((resumed:)) Many years before Mr. Van Norman was recommended to fill the situation referred to, he had received an unqualified pardon from the Crown, and he (Mr. H.) believed he was as loyal a subject as any one in the house.<sup>188</sup> He denied that the gentleman had been promoted over the heads of others.<sup>189</sup> The late Administration had been placed in the same situation with reference to the member for St. Maurice, (Mr. Papineau) who was not only engaged in rebellion in 1837 and '38 but who during the present Session had openly ex-



pressed his desire to separate this Province from the Parent State, and who had been offered a commission as Major by them.<sup>190</sup>

MR. PAPINEAU--I refused it.<sup>191</sup>

MR. INSP. GEN. HINCKS continued. He did not care that the appointment had been refused; it did not alter the conduct of the government in offering it to the member of St. Maurice who was notoriously engaged in the rebellion, and who now wishes to annex this country to a foreign nation.<sup>192</sup> He only wanted to ask why a difference should be made between Upper and Lower Canada.<sup>193</sup> He (Mr. H.) did not blame the Ministry for making the offer, but were persons to be pardoned in Lower Canada, and still condemned as rebels in the Upper Province.<sup>194</sup> He complains of the censure cast on him for taking a course similar to that taken at a previous time by those who censured him. He censured Sir Allan for eternally bringing up the affair of 1837<sup>195</sup>. The gentleman to whom Sir Allan McNab referred, was a man of the first position and influence in the township in which he resided.<sup>196</sup>

MR. CAUCHON said, men who had bravely defended their country in 1812, had been executed as rebels in 1837; while those who were loyal in 1837, but rebelled in 1849, are deemed loyal men now. He thought it wrong in the gallant Knight to bring up subjects which should be forgotten. The object was evidently to get up an excitement similar to that at Montreal--but he would not succeed.<sup>197</sup>

MR. H. SHERWOOD (Toronto) charged Mr. Hincks with having made an unfair allusion to the late government relative to the appointment of Mr. Papineau. He stated that the Hon. gentleman (Mr. Hincks) knew that the late government did not interfere in militia appointments.<sup>198</sup>

MESSRS. INSP. GEN. HINCKS and AT. GEN. BALDWIN stated that Mr. Draper, on being questioned in the House avowed that the government was responsible for the militia appointments.<sup>199</sup>

MR. H. SHERWOOD would not say it was not so, as the hon. gentleman had said it was; but would say that he had never heard it.<sup>200</sup>

MR. CAYLEY would like to understand if the hon. member stated that Mr. Draper had said that the late government interfered in the militia.<sup>201</sup>

MR. AT. GEN. BALDWIN stated that such was the case.<sup>202</sup>

MR. CAYLEY said it was only responsibility for the acts of officers; and not for any political engine.<sup>203</sup>

M. PAPINEAU, se plaint de cette manie de l'inspecteur-général et de ses collègues de le déclarer coupable, tandis qu'il proclame hautement que sa conscience lui prouve qu'il ne l'est nullement.<sup>204</sup> He did not think it right or correct that he should always be made the object of attacks of that kind. He said the Adjutant had called upon him, and offered him the Commission but he had refused. The Adjutant stated to him that he wanted to bury past differences. He (Mr. P.) had never asked favor from either the home or local Government; and all that he wanted was justice for his country.<sup>205</sup> C'est pour cette raison dit-il, que j'ai refusé cette prétendue faveur qu'on m'offrait en me nommant officier de milice.

Et maintenant, je me doit de répondre aux sorties de M. Baldwin m'accusant d'une basse ingratitude envers l'Angleterre, en déclarant que je ne lui dois aucune reconnaissance. Jamais en effet, je n'ai réclamé la plus mince faveur pour moi personnellement, et je me suis toujours borné à invoquer de sa part la simple et stricte justice, qui était due à mon pays. Même si j'avais obtenu cette justice pour ma patrie, je n'aurais pas été tenu de manifester la moindre gratitude pour l'Angleterre, car ce n'est pas recevoir une faveur que de voir qu'on

respecte les lois premières de l'équité dans l'administration d'un peuple.--Mais je n'ai même pas à reconnaître que tel a été sa manière de nous gouverner puisqu'au lieu de rencontrer de la justice chez ses dominateurs, le Canada, n'a jamais pu trouver qu'une série d'injustices criantes, lesquelles ont plongé ce pays dans l'état de decadence où il gémit aujourd'hui.

Et néanmoins, je me repose suffisamment sur la magnanimité de l'Angleterre, pour croire qu'elle recevra avec dignité et convenance l'opinion consciencieuse et fermement indépendante que je lui adresse, en communion d'idées avec tous les hommes de sens commun que renferme l'empire, qui tous ont reconnu, qu'un jour ou l'autre cette colonie doit devenir indépendante.<sup>206</sup> Then if separation must come some time there could be no wrong in discussing it. Whenever he (Mr. P.) had gone to any governor or any lord of England, the very first salutation that he had made was, "My Lord I want no personal favor from you." When that was the case he had no personal gratitude to render. The Attorneys General had entered into an unholy alliance, for enslaving the country and for the suppression of the right of discussion; and the execration of the country would rest upon them. He charged the Attorney General East with having sneaked out, of opposition to the Union Act in Lord Sydenham's time. Since that time he had been distinguished by mulish opposition to every liberal measure. He believed that under the mask of loyalty he was "sapping and mining," as it was termed, the connection with England. The Hon. Member's life ever was inconsistent with his former life, when he gave his adhesion to the 92 resolutions. He considered it a vile, disgusting, and unchristian sentiment, for the hon. Attorney General West to say that he rejoiced in the hatred of the member for St. Maurice. (This referred to the other evening.) The hon. member proceeded to speak against the Union; and asserted that the Attorney General East misrepresented the feelings of Lower Canada on this question. He would take the occasion to state that it was only against the public acts of the government he found it his duty to speak so strongly. They might be amiable in private life; but he believed that their public course had been wicked, corrupt, and arbitrary (sic); and as public men he regarded them with contempt unmitigated.<sup>207</sup>

DR. FORTIER did not think the hon. member was in order.<sup>208</sup>

MR. MORIN the SPEAKER did not believe that he was.<sup>209</sup>

SIR A. MACNAB said the hon. member had been attacked.<sup>210</sup>

MR. INSP. GEN. HINCKS, how?<sup>211</sup>

SIR A. MACNAB, by you.<sup>212</sup>

MR. INSP. GEN. HINCKS denied that he had attacked him. He had only alluded to his appointment.<sup>213</sup>

MR. MORIN the SPEAKER said it was true that some allusions had been made to the hon. member, but he thought that he was not speaking to that point.<sup>214</sup>

MR. PAPINEAU went on to characterise responsible government as an absurdity. He said that when he first heard of the absurd scheme, he foresaw that it would lead to nothing but trouble and corruption.<sup>215</sup> M. Papineau continue ainsi: Messieurs du ministère ont souvent eu l'audace de parler de mon ingratitude, non pas seulement envers l'Angleterre, mais ce qui est plus merveilleux, envers eux-mêmes. Eh! bien, je le dis bien haut, voilà qui est encore mal fondé. Je suis aussi indépendant d'eux tant sous ce rapport que sous tous les autres, et quand ils s'attaquent à moi, ils n'ont pas plus à invoquer les liens de la reconnaissance que ceux des antécédents ou de la corruption.--Je le répète: je ne leur dois rien, pas même mon retour dans le pays, car bien avant eux, Lord Durham m'avait offert d'y rentrer, et je refusai, en conséquence de la conduite tyrannique de cet homme-noble. Pendant mon séjour à Paris, d'autres personnes, bien autrement influentes auprès du gouvernement anglais que les petits personnages, qui me sont opposés, m'avaient également priées de consentir à mon retour, mais je les



refusai constamment.--Je défie donc qui que ce soit de dire que j'aie jamais sollicité la permission de revenir, ou que j'aie fait la plus petite démarche pour obtenir cette permission.--Ainsi, une fois pour toutes, qu'on ne vienne plus me lancer ce mot d'ingratitude, souverainement ridicule, surtout dans la bouche de ces honorables messieurs mes adversaires, qui n'étaient rien, alors que j'étais quelque chose, et que sans aucune influence étrangère, je dirigeais leurs premiers pas dans cette carrière, qui grâce à moi, les a placés où ils sont aujourd'hui.-- Je finis donc en déclarant que je ne m'attaque à personne comme homme privé, mais que quant au caractère politique du ministère, je le méprise profondément.--<sup>216</sup> He denounced the union and charged Mr. Lafontaine with having sneaked out of a meeting got up to oppose the union at the time it was proposed.<sup>217</sup>

MR. AT. GEN. LAFONTAINE said he was astonished at the daring of the hon. member for St. Maurice, in repeating what he himself knew to be untrue.--(Hear, hear.) That hon. Member had accused him of bribing the hon. member for Montmorenci. He knew that to be untrue. The hon. member had stated that he had a newspaper. He knew that to be untrue. And on a former occasion he stated that he (Mr. L.) had agitated Lower Canada in favour of the union, to gain his own purposes. He knew that to be untrue, and yet he had the courage to repeat it here, although he had been told twice last session when he made the same statement, that it was not true. (Hear, hear.) But his hardihood was as great now, as when in the month of May, at Paris, he published a pamphlet<sup>218</sup> which he said was so bad that<sup>219</sup> even his own friends, the Socialists of the present day were ashamed, and forced him to suppress the ensuing part; as they well might, for there was too much reason to believe that it was in a great measure owing to the publication of that pamphlet that such a large number of persons had been sent to Van Dieman's Land.<sup>220</sup>

MR. PAPINEAU asserted the truth of his statement, and moreover that the pamphlet which the Attorney General East now condemned had been formerly approved by him and the whole of his friends.<sup>221</sup>

MR. AT. GEN. LAFONTAINE, never, never! He went on to say, that the hon. member might attack him (Mr. L.) as much as he pleased; but he should not state what he knew was untrue.<sup>222</sup>

MR. CARTIER rose to rebut the charges brought by Mr. Papineau against the Attorney General East. He could say confidently that the only person who called public meetings, and attempted to agitate the public mind against the Union was the Attorney General East. (Hear, hear.)<sup>223</sup> ((He)) denied that Mr. Lafontaine had sneaked out of the meeting, as stated by Mr. Papineau. The Attorney General, East, was the only man who paid for printing any documents, and<sup>224</sup> he had himself refused to join that hon. gentleman when he went to his office and pressed him (Mr. C.) to do so, because he was of opinion that under the then existing circumstances, England could rule as she pleased, and give the Province what constitution she pleased. He had always been opposed to the manner in which the Union was brought about, but he was never opposed to the Union itself; and setting aside the manner in which it was done, he said he was now rejoiced at its having been accomplished.<sup>225</sup>

As the hon. gentleman was proceeding to speak on this subject, he was called to order by MR. MORIN the SPEAKER, who said this discussion was altogether irrelevant.<sup>226</sup>

DR. DAVIGNON said, that in order to convince the hon. member for St. Maurice that his attack on the Attorney General East was unfounded, he would refer him to the fact of that hon. gentleman having refused office under Lord Sydenham, on the very ground of his opposition to the Union.<sup>227</sup>

MR. AT. GEN. BALDWIN explained that it was the hon. member's (Mr. Papineau) opposition that he rejoiced at.<sup>228</sup>



MR. CAUCHON rose amidst loud cheers and cries of "order." He said the hon. member for St. Maurice could not prove the truth of one of his assertions and could not therefore be considered an honest man. ("Hear, hear," and "Order.") He would say more. He would say that he was an ungrateful man, for no one was more ready than that hon. member to asperse the Attorney General, who had gone to Lord Sydenham and said, "if you do not allow me to enter a nolle prosequi against Mr. Papineau, I will throw up my office." (Cheers.) An office that was worth £1500 a year.<sup>229</sup>

The motion was then withdrawn.<sup>230</sup>

FOOTNOTES: 5 JUNE 1850.

1. The following papers reported the debate on this matter in partially identical accounts: PILOT, 11 June 1850, HAMILTON SPECTATOR, 12 June 1850, and PACKET, 15 June 1850. The debate was also reported by MONTREAL GAZETTE, 10 June 1850.
2. HAMILTON SPECTATOR, 12 June 1850.
3. MONTREAL GAZETTE, 10 June 1850.
4. HAMILTON SPECTATOR, 12 June 1850.
5. IBID.
6. IBID.
7. MONTREAL GAZETTE, 10 June 1850.
8. HAMILTON SPECTATOR, 12 June 1850.
9. MONTREAL GAZETTE, 10 June 1850.
10. HAMILTON SPECTATOR, 12 June 1850.
11. MONTREAL GAZETTE, 10 June 1850.
12. HAMILTON SPECTATOR, 12 June 1850.
13. IBID.
14. The following papers reported the debate on this matter in identical accounts: NORTH AMERICAN, 7 June 1850, BATHURST COURIER, 14 June 1850, and EXAMINER, 19 June 1850. The following papers reported the debate in partially identical accounts: BRITISH COLONIST, 7 June 1850, HAMILTON SPECTATOR, 8 June 1850, PILOT, 11 June 1850, and PACKET, 15 June 1850. The debate was also reported by: MONTREAL GAZETTE, 10 June 1850; HAMILTON SPECTATOR, 22 June 1850, copied from BRITISH WHIG, of unknown date; and L'AVENIR, 22 June 1850. LA MINERVE, 10 June 1850, noted the debate. Commentaries appeared in: HAMILTON SPECTATOR, 8, 12 June 1850; PILOT, 11 June 1850; PACKET, 22 June 1850; and BATHURST COURIER, 14 June 1850.
15. MONTREAL GAZETTE, 10 June 1850.
16. HAMILTON SPECTATOR, 8 June 1850.
17. MONTREAL GAZETTE, 10 June 1850.
18. HAMILTON SPECTATOR, 8 June 1850.
19. MONTREAL GAZETTE, 10 June 1850.
20. HAMILTON SPECTATOR, 8 June 1850.
21. MONTREAL GAZETTE, 10 June 1850.
22. HAMILTON SPECTATOR, 8 June 1850.
23. MONTREAL GAZETTE, 10 June 1850.
24. HAMILTON SPECTATOR, 8 June 1850.
25. MONTREAL GAZETTE, 10 June 1850.
26. HAMILTON SPECTATOR, 8 June 1850.
27. MONTREAL GAZETTE, 10 June 1850.
28. HAMILTON SPECTATOR, 8 June 1850.
29. MONTREAL GAZETTE, 10 June 1850.
30. HAMILTON SPECTATOR, 8 June 1850.
31. MONTREAL GAZETTE, 10 June 1850.
32. HAMILTON SPECTATOR, 8 June 1850.
33. MONTREAL GAZETTE, 10 June 1850.
34. HAMILTON SPECTATOR, 8 June 1850.
35. MONTREAL GAZETTE, 10 June 1850.
36. HAMILTON SPECTATOR, 8 June 1850.
37. BATHURST COURIER, 14 June 1850.
38. HAMILTON SPECTATOR, 8 June 1850.
39. BATHURST COURIER, 14 June 1850.
40. HAMILTON SPECTATOR, 8 June 1850.
41. BATHURST COURIER, 14 June 1850.
42. HAMILTON SPECTATOR, 8 June 1850.

43. BATHURST COURIER, 14 June 1850.
44. HAMILTON SPECTATOR, 8 June 1850.
45. IBID.
46. IBID.
47. IBID.
48. IBID.
49. MONTREAL GAZETTE, 10 June 1850.
50. HAMILTON SPECTATOR, 8 June 1850.
51. IBID.
52. IBID.
53. MONTREAL GAZETTE, 10 June 1850.
54. HAMILTON SPECTATOR, 8 June 1850.
55. BATHURST COURIER, 14 June 1850.
56. HAMILTON SPECTATOR, 8 June 1850.
57. MONTREAL GAZETTE, 10 June 1850.
58. HAMILTON SPECTATOR, 8 June 1850.
59. BATHURST COURIER, 14 June 1850.
60. HAMILTON SPECTATOR, 8 June 1850.
61. BATHURST COURIER, 14 June 1850.
62. HAMILTON SPECTATOR, 8 June 1850.
63. MONTREAL GAZETTE, 10 June 1850.
64. BATHURST COURIER, 14 June 1850.
65. HAMILTON SPECTATOR, 8 June 1850.
66. BATHURST COURIER, 14 June 1850.
67. MONTREAL GAZETTE, 10 June 1850.
68. HAMILTON SPECTATOR, 8 June 1850.
69. BATHURST COURIER, 14 June 1850.
70. HAMILTON SPECTATOR, 8 June 1850.
71. BATHURST COURIER, 14 June 1850.
72. HAMILTON SPECTATOR, 8 June 1850.
73. BATHURST COURIER, 14 June 1850.
74. HAMILTON SPECTATOR, 8 June 1850.
75. IBID.
76. MONTREAL GAZETTE, 10 June 1850.
77. BRITISH COLONIST, 7 June 1850, which commented: "We have been told that some Indians make bosom friends of the invaders of the domestic blanket; but not having such perfect faith in Mr. Papineau's veracity, as we have in his power of speech, we can scarcely believe that to whatever class of animals he refers Ministers, that they are so rash or so neglectful of their personal comfort as to conceal reptiles under their flannel shirts or hare-comforters."
78. MONTREAL GAZETTE, 10 June 1850.
79. BATHURST COURIER, 14 June 1850.
80. MONTREAL GAZETTE, 10 June 1850.
81. HAMILTON SPECTATOR, 8 June 1850.
82. MONTREAL GAZETTE, 10 June 1850.
83. HAMILTON SPECTATOR, 8 June 1850.
84. BATHURST COURIER, 14 June 1850.
85. HAMILTON SPECTATOR, 8 June 1850.
86. BATHURST COURIER, 14 June 1850.
87. HAMILTON SPECTATOR, 8 June 1850.
88. MONTREAL GAZETTE, 10 June 1850.
89. IBID.
90. HAMILTON SPECTATOR, 8 June 1850.
91. IBID.
92. MONTREAL GAZETTE, 10 June 1850.
93. HAMILTON SPECTATOR, 8 June 1850.
94. MONTREAL GAZETTE, 10 June 1850.



95. HAMILTON SPECTATOR, 8 June 1850.
96. MONTREAL GAZETTE, 10 June 1850.
97. HAMILTON SPECTATOR, 8 June 1850.
98. IBID.
99. IBID.
100. BATHURST COURIER, 14 June 1850.
101. HAMILTON SPECTATOR, 8 June 1850.
102. MONTREAL GAZETTE, 10 June 1850.
103. HAMILTON SPECTATOR, 8 June 1850.
104. BATHURST COURIER, 14 June 1850.
105. HAMILTON SPECTATOR, 8 June 1850.
106. BATHURST COURIER, 14 June 1850.
107. HAMILTON SPECTATOR, 8 June 1850.
108. MONTREAL GAZETTE, 10 June 1850.
109. HAMILTON SPECTATOR, 8 June 1850.
110. BATHURST COURIER, 14 June 1850.
111. MONTREAL GAZETTE, 10 June 1850.
112. HAMILTON SPECTATOR, 8 June 1850.
113. MONTREAL GAZETTE, 10 June 1850.
114. HAMILTON SPECTATOR, 8 June 1850.
115. MONTREAL GAZETTE, 10 June 1850.
116. HAMILTON SPECTATOR, 8 June 1850.
117. MONTREAL GAZETTE, 10 June 1850.
118. HAMILTON SPECTATOR, 8 June 1850.
119. MONTREAL GAZETTE, 10 June 1850.
120. HAMILTON SPECTATOR, 8 June 1850.
121. MONTREAL GAZETTE, 10 June 1850.
122. HAMILTON SPECTATOR, 8 June 1850.
123. IBID.
124. MONTREAL GAZETTE, 10 June 1850.
125. IBID.
126. HAMILTON SPECTATOR, 8 June 1850.
127. MONTREAL GAZETTE, 10 June 1850.
128. HAMILTON SPECTATOR, 8 June 1850.
129. IBID.
130. The following papers reported the debate on this matter in identical accounts:  
NORTH AMERICAN, 7 June 1850, BATHURST COURIER, 14 June 1850, EXAMINER, 19  
June 1850; KENT ADVERTISER, 13 June 1850, and ST. CATHARINES JOURNAL, 13  
June 1850. The debate was also reported by MONTREAL GAZETTE, 10 June 1850.
131. KENT ADVERTISER, 13 June 1850.
132. BATHURST COURIER, 14 June 1850.
133. KENT ADVERTISER, 13 June 1850.
134. BATHURST COURIER, 14 June 1850.
135. KENT ADVERTISER, 13 June 1850.
136. IBID.
137. MONTREAL GAZETTE, 10 June 1850.
138. KENT ADVERTISER, 13 June 1850.
139. BATHURST COURIER, 14 June 1850.
140. MONTREAL GAZETTE, 10 June 1850.
141. KENT ADVERTISER, 13 June 1850.
142. MONTREAL GAZETTE, 10 June 1850.
143. KENT ADVERTISER, 13 June 1850.
144. IBID.
145. MONTREAL GAZETTE, 10 June 1850.
146. KENT ADVERTISER, 13 June 1850.
147. BATHURST COURIER, 14 June 1850.

148. IBID.
149. IBID.
150. IBID.
151. IBID.
152. IBID.
153. The following papers reported the exchange on this matter in identical accounts: NORTH AMERICAN, 7 June 1850, BATHURST COURIER, 14 June 1850, and EXAMINER, 19 June 1850. The debate was also reported by MONTREAL GAZETTE, 10 June 1850.
154. BATHURST COURIER, 14 June 1850.
155. IBID.
156. The following papers reported this motion in identical accounts: NORTH AMERICAN, 7 June 1850, BATHURST COURIER, 14 June 1850, and EXAMINER, 19 June 1850.
157. BATHURST COURIER, 14 June 1850.
158. IBID.
159. The following papers reported this question in identical accounts: NORTH AMERICAN, 7 June 1850, BATHURST COURIER, 14 June 1850, and EXAMINER, 19 June 1850. The question was also reported by MONTREAL GAZETTE, 10 June 1850.
160. BATHURST COURIER, 14 June 1850.
161. MONTREAL GAZETTE, 10 June 1850.
162. The following papers reported the debate on this withdrawn motion in identical accounts: NORTH AMERICAN, 7 June 1850, BATHURST COURIER, 14 June 1850, EXAMINER, 19 June 1850; LA MINERVE, 10 June 1850, and JOURNAL DE QUEBEC, 15 June 1850. The following papers reported the debate in partially identical accounts: MONTREAL TRANSCRIPT, 11 June 1850, PILOT, 11 June 1850, HAMILTON SPECTATOR, 12 June 1850, ST. CATHARINES JOURNAL, 13 June 1850, and PACKET, 15 June 1850. The debate was also reported by: BATHURST COURIER, 7 June 1850; MONTREAL GAZETTE, 10 June 1850; and L'AVENIR, 22 June 1850.
163. BATHURST COURIER, 14 June 1850.
164. MONTREAL GAZETTE, 10 June 1850.
165. BRITISH COLONIST, 7 June 1850.
166. IBID.
167. BATHURST COURIER, 14 June 1850.
168. BRITISH COLONIST, 7 June 1850.
169. IBID.
170. HAMILTON SPECTATOR, 12 June 1850.
171. IBID.
172. IBID.
173. MONTREAL GAZETTE, 10 June 1850.
174. HAMILTON SPECTATOR, 12 June 1850.
175. IBID.
176. BATHURST COURIER, 14 June 1850.
177. HAMILTON SPECTATOR, 12 June 1850.
178. BATHURST COURIER, 14 June 1850.
179. IBID.
180. HAMILTON SPECTATOR, 12 June 1850.
181. MONTREAL GAZETTE, 10 June 1850.
182. HAMILTON SPECTATOR, 12 June 1850.
183. MONTREAL GAZETTE, 10 June 1850.
184. IBID.
185. HAMILTON SPECTATOR, 12 June 1850.
186. MONTREAL GAZETTE, 10 June 1850.
187. IBID.

188. HAMILTON SPECTATOR, 12 June 1850.
189. MONTREAL GAZETTE, 10 June 1850.
190. HAMILTON SPECTATOR, 12 June 1850.
191. BATHURST COURIER, 14 June 1850.
192. IBID.
193. MONTREAL GAZETTE, 10 June 1850.
194. HAMILTON SPECTATOR, 12 June 1850.
195. BATHURST COURIER, 14 June 1850.
196. HAMILTON SPECTATOR, 12 June 1850.
197. IBID.
198. MONTREAL GAZETTE, 10 June 1850.
199. BATHURST COURIER, 14 June 1850.
200. MONTREAL GAZETTE, 10 June 1850.
201. IBID.
202. IBID.
203. IBID.
204. L'AVENIR, 22 June 1850.
205. MONTREAL GAZETTE, 10 June 1850.
206. L'AVENIR, 22 June 1850.
207. MONTREAL GAZETTE, 10 June 1850.
208. IBID.
209. IBID.
210. IBID.
211. IBID.
212. IBID.
213. IBID.
214. IBID.
215. IBID.
216. L'AVENIR, 22 June 1850.
217. BATHURST COURIER, 14 June 1850.
218. HAMILTON SPECTATOR, 12 June 1850.
219. BATHURST COURIER, 14 June 1850.
220. HAMILTON SPECTATOR, 12 June 1850.
221. IBID.
222. MONTREAL GAZETTE, 10 June 1850.
223. HAMILTON SPECTATOR, 12 June 1850.
224. BATHURST COURIER, 14 June 1850.
225. HAMILTON SPECTATOR, 12 June 1850.
226. IBID.
227. IBID.
228. MONTREAL GAZETTE, 10 June 1850.
229. HAMILTON SPECTATOR, 12 June 1850.
230. MONTREAL GAZETTE, 10 June 1850.



THURSDAY, 6 JUNE 1850.

(49)

Petitions  
brought up.

THE following Petitions were severally brought up, and laid on the table:--

By Mr. Flint,--The Petition of E.B. Gilbert and others, Trustees of Knox's Church, Toronto; and the Petition of William Hutton and others, of the County of Hastings.

By Mr. McLean,--The Petition of B.G. French and others, of the County of Stormont.

By the Honorable Mr. Robinson,--Two Petitions of the Municipality of the united Townships of Medonte, Ting, Tay, North Orillia, and Matchadash.

By Mr. Hopkins,--The Petition of Absalom Shade, Esquire, and others, of the Town of Galt.

By Mr. Thompson,--The Petition of the Reverend Adam Townley, Clergyman, and others, Wardens of the Church of England, of the Township of Dunn; the Petition of William Lyon Mackenzie, Esquire, executor under the last will of the late Robert Randal; and the Petition of William Lyon Mackenzie, Esquire, executor, and Isaac H. Culp, a legatee of the estate of the late Robert Randal, of Humber-

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stone, County of Lincoln, Esquire.

By Mr. Taché,--The Petition of the Reverend Thomas Destroismaisons and others, of the Parish of St. Germain de Rimouski.

By the Honorable Mr. Badgley,--The Petition of the Reverend Joseph Scott and others, Minister, Church Wardens and members of the Church of England at Dunham, in Lower Canada.

By Mr. Davignon,--The Petition of Pierre A.C. Munro, M.D., President of the School of Medicine and Surgery of Montreal.

By Mr. Ross,--The Petition of the Reverend George Mackie, D.D., and others, the Committee of management of the National Schools at Quebec.

By Mr. Gugy,--The Petition of C.R. Vaughan, of the Township of Stanbridge, Esquire.

By Mr. Wilson,--The Petition of the Town Council of London.

Petitions read.

Pursuant to the Order of the day, the following Petitions were read:--

Of John Kinny and others, of the County of Halton; praying that measures be adopted to effect an extensive retrenchment in the public expenditure of the Province.

Of M. Harcourt and others, of the Township of Seneca; praying that the said Township be not divided or detached from the County of Haldimand.

Of the Municipal Council of the united Counties of Lincoln, Haldimand, and Welland; praying for the passing of an Act to authorize the Municipal Corporations of Upper Canada to provide for the relief of indigent sick or infirm persons.

Of D. Crawford and W.J. Imlach, of the Township of Dunn, County of Haldimand, praying for a reduction of the duty on mustard seed imported into this Province.

Of Henry Walker and others, of the County of Haldimand; and of John Jarron and others, of the County of Haldimand; praying that measures be adopted to appropriate the funds accruing from the Clergy Reserve Lands to Common School purposes.

Of the Municipality of the Township of Walpole; praying that the boundary line between the said Township and the Township of Woodhouse may be clearly defined.

Of the Municipality of the Township of Dunn; of the Municipality of the Township of Walpole; of the Municipality of North Cayuga; of John Yokom and others, of the Township of Seneca, County of Haldimand; of John Jarron, Townreeve of the united Townships of Moulton and Sherbrooke, and Agnew P. Farrell, Townreeve of

the Township of Dunn; and of the Municipality of the Township of South Cayuga; praying that no part of the Township of Seneca be detached from the County of Haldimand.

Of the Mayor, Aldermen, and Commonalty of the City of Hamilton; praying to be reimbursed a certain amount expended by them in the care and forwarding of sick and destitute emigrants during the last year, and that measures be adopted to prevent a recurrence of such outlays in particular localities.

Of Andrew Moffatt, Esquire, and others, of the Township of Orillia, County of Simcoe; praying for the passing of an Act to declare the northern and southern divisions of the said Township to constitute but one Township.

Of the Reverend Augustin Beaudry and others, members of the Temperance Society of the Parish of Malbaie; praying that certain measures be adopted for the suppression of intemperance.

Of the Corporation of the Montreal General Hospital; praying for an increased aid in support of the said Institution.

Of the St. Lawrence and Atlantic Railroad Company; praying for certain amendments to their Charter.

Of Duncan McFarland, Esquire; praying that a certain allowance for Road in the Township of Thorold be vested in him.

Of John McMurrich and others; praying for an Act of Incorporation under the name of the Toronto Necropolis.

Of J.G. Robertson and others, on behalf of a public meeting of the Inhabitants of the Town of Sherbrooke; praying for aid to complete the Aylmer Bridge across the River St. Francis in the said Town.

Petition of T. Kirkpatrick and others; Of Toronto Mechanics' Institute, referred.

Ordered, That the Petition of Thomas Kirkpatrick, Esquire, and others, of the City of Kingston; and the Petition of the Toronto Mechanics' Institute, be referred to the Standing Committee on Standing Orders.

Message from the Council.

A Message from the Legislative Council by John Fenings Taylor, Esquire, one of the Masters in Chancery:--  
Mr. Speaker,

The Legislative Council have passed the following Bills, without Amendment, viz:--

Reciprocal Free Trade Bill.

Bill, intituled, "An Act to facilitate reciprocal Free Trade between this Province and the other British North American Provinces:"

Silver Coins Bill.

Bill, intituled, "An Act to alter the rate at which certain Silver Coins shall be a legal tender:"

River du Chêne Bill.

Bill, intituled, "An Act to extend the period for the election of Commissioners under the Act for the improvement of the River du Chêne."

And then he withdrew.

Report on Petition of P. Gauvreau and others.

Mr. Laurin, from the Select Committee to which was referred the Petition of Pierre Gauvreau and others, the President, Directors and members of the Société Bienveillante des Ouvriers de Québec, presented to the House the Report of the said Committee; which was read, as followeth:--

Your Committee having attentively examined the Petition of Pierre Gauvreau and others, praying for an Act of Incorporation under the name of the Québec Workmen's Benevolent Society, have the honor to recommend to Your Honorable House that a Bill be brought in conformably to the prayer of the said Petition.



Quebec Workmen's Benevolent Bill.

Ordered, That Mr. Laurin have leave to bring in a Bill to incorporate the Quebec Workmen's Benevolent Society.

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time, on Thursday next.

First Report of Committee on Library.

The Honorable Mr. Sherwood, from the Standing Committee appointed to assist Mr. Speaker in the direction of the Library, presented to the House the First Report of the said Committee; which was read, as followeth:--

Your Committee have come to the determination of representing to Your Honorable House the great advantage which would result from the establishment of a Joint Library for both Houses of the Provincial Legislature.

Should Your Honorable House concur with them in this opinion, Your Committee beg leave to recommend that a Message be sent to the Honorable the Legislative Council, to acquaint them with the desire of this House in that particular; and also of its opinion that, during the present Session, a Joint Committee of both Houses should be appointed for the attainment of that object; and informing them that Sir Allan N. MacNab, the Honorable Messieurs Papineau, Sherwood, John A.

(51)

Macdonald, and H.J. Boulton, and Messieurs Bouthillier and Chauveau, are the Committee to assist Mr. Speaker in the direction of the Library of this House, and are also empowered to act, on the part of this House, as Members of any such Joint Committee.

Resolved, That this House doth concur with the Committee in the said Report.

On motion of the Honorable Mr. Sherwood, seconded by the Honorable Mr. Robinson,

Joint Library for both Houses.

Resolved, That a Message be sent to the Legislative Council, acquainting their Honors with the desire of this House for the establishment of one Joint Library for the use of both Houses of the Provincial Legislature,

and also of its opinion that, during the present Session, a Joint Committee of both Houses should be appointed for the attainment of that object; and informing them that Sir Allan N. MacNab, the Honorable Messieurs Papineau, Sherwood, John A. Macdonald, and H.J. Boulton, and Messieurs Bouthillier, and Chauveau, are the Committee to assist Mr. Speaker in the direction of the Library of this House, and are also empowered to act on behalf of this House, as Members of any such Joint Committee.

Ordered, That the Honorable Mr. Sherwood do carry the said Message to the Legislative Council.

Great Western Railroad Stock Bill.

Ordered, That Sir Allan N. MacNab have leave to bring in a Bill to empower Municipal and other Corporations to subscribe for Stock of the Great Western Railroad Company, or otherwise to aid in completing that under-

taking.

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time, on Monday next.

On motion of the Honorable Mr. LaTerrière, seconded by Mr. Christie,

Saguenay second Muni-

Ordered, That the Order of this House of the fourth instant, That the Bill to authorize the inhabitant house-



cipal Coun-  
cil Bill.

holders holding lands in the new settlements on the borders of the Saguenay, forming the second Municipal Division of that County, to establish a Municipal

Council therein, and for other purposes, be engrossed, and read the third time this day, be rescinded.

Resolved, That the said Bill be referred to a Select Committee, composed of the Honorable Mr. LaTerrière, Mr. Chabot, Mr. Chauveau, Mr. Duchesnay, and Mr. Lemieux, to report thereon with all convenient speed; with power to send for persons, papers, and records.

Message from  
His Excellency.

The Honorable Mr. Attorney General Baldwin, one of Her Majesty's Executive Council, delivered to Mr. Speaker a Message from His Excellency the Governor General, signed

by His Excellency.

And the said Message was read by Mr. Speaker, all the Members of the House being uncovered; and is as followeth:--

ELGIN AND KINCARDINE.

Orders of  
the Court  
of Chancery.

The Governor General transmits for the information of the Legislative Assembly, a copy of the Orders of the Court of Chancery of Upper Canada, recently promulgated by the Judges of that Court.

Government House,

Toronto, 6th June, 1850.

Appendix (O.)

For the said Document, see Appendix (O.)

Huntingdon  
Registry Bill.

Ordered, That Mr. Sauvageau have leave to bring in a Bill to divide the County of Huntingdon into two Districts for the registration of deeds.

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time, on Monday next.

Public  
Accounts.

Resolved, That the Public Accounts of the year 1849, laid before this House on the twenty-ninth ultimo, be referred to a Select Committee, composed of Mr. Christie,

Mr. Hall, Mr. Chauveau, Mr. Davignon, Mr. DeWitt, Mr. Duchesnay, Mr. Hopkins, the Honorable Mr. LaTerrière, Mr. McConnell, Mr. Sauvageau, and Mr. Sherwood of Brockville, to report thereon with all convenient speed; with power to send for persons, papers, and records.

Married Wo-  
men's Protec-  
tion Bill.

Ordered, That Mr. Flint have leave to bring in a Bill to provide for the protection of married Women in the enjoyment of their own properties.

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time, on Monday next.

Guardians Ap-  
pointment  
(U.C.) Bill.

Ordered, That Mr. Flint have leave to bring in a Bill to provide for the appointment of Guardians to restrain the improvidence of persons incompetent to manage their own property in Upper Canada.

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time, on Wednesday next.

Quebec and  
Richmond

Ordered, That Mr. Lemieux have leave to bring in a Bill to incorporate Peter Patterson, Esquire, and others,

Railway Bill.

*under the name of the Quebec and Richmond Railway Company.*

*He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time, on Wednesday next.*

Dr. Keyes.

*Sir Allan N. MacNab moved, seconded by the Honorable Mr. Boulton, and the Question being put, That an humble Address be presented to His Excellency the Governor General, praying that he will be pleased to cause to be laid before this House, copies of all Petitions, Opinions, and other Correspondence now in possession of the Government on the subject of the pardon granted to Dr. Keyes, then confined in the Provincial Penitentiary under sentence of the Law;<sup>1</sup>*

MR. AT. GEN. BALDWIN objected to the motion. The exercise of the royal prerogative in pardoning offenders against the laws had never been contested by any Parliament, and it was altogether unusual for the House to demand the production of papers of this class. It was, however, not unusual for Ministers to give<sup>2</sup> in the House<sup>3</sup>, any information that was required of them incidentally, and he had therefore no objection to mention the facts of the case.--Frequent applications had been made to the Government to have Dr. Keyes released on ordinary grounds, but they had always been rejected. But on a report from Dr. Sampson showing that the prisoner was in an unsound state of mind, it was found necessary to release him, as there is at present no department in the Penitentiary for prisoners in that state of mind. However, a place is now being erected for that purpose, and therefore there will be no necessity for the action of the Government in that manner in future.<sup>4</sup>

COL. PRINCE would admit that the ground upon which the address touched should be tenderly trod upon. Dr. Keyes' crime, he said, was a flagrant one, and one which he was sorry to say was on the increase in the Province. But he could not agree with the government, that the prisoner should have been set at large; and that he should have been sent forth to commit atrocities greater than that for which he had been pardoned on the plea of insanity. He (M. P.) would ask if an asylum could not have been provided in the penitentiary, and a nurse to take care of this man with a disordered mind. He said he was unwilling to impute politics to the government on this occasion but there must have been a motive. Why not send Dr. Keyes to a Lunatic Asylum; could any person say that House would not vote money for his support there, if his friends were unable to support him. But it had been shown that he has been of clear mind since; and if that were the case, the government had been imposed upon. So that, in either respect, he (Mr. P.) could not understand why the prisoner had been set at large. In England, when a man who had committed an offence had been found to be a lunatic, he was imprisoned during the remainder of his life.--That was the case of Hadfield, who made an attempt on the life of George, the Third; he was confined till the day of his death. He concluded by saying, that the government must be held responsible for any evils that may result from the discharge of Keyes, or for any felonies that he may commit.<sup>5</sup>

MR. H. BOULTON (Norfolk) followed speaking against the government.<sup>6</sup>

DR. SMITH (Wentworth) had taken a good deal of trouble about the case of Dr. Keyes. He had presented a good number of petitions for his release, but he had always failed; one petition was from several hundreds, he believed a thousand--in the United States,<sup>7</sup> who were well acquainted with Dr. Keyes, and who resided where he used to live<sup>8</sup>, others from the neighborhood in which he lived, signed by both Clergymen and Magistrates.<sup>9</sup> He (Mr. S.) had used every means in his power to obtain a remission of the sentence; but, until recently, without effect. Dr. Keyes had been convicted on the evidence of<sup>10</sup> Smith<sup>11</sup>, an accomplice, and who



burnt the building. Dr. S. here went into the particulars of the trial.<sup>12</sup> He mentioned circumstances going to show that Dr. Keyes could not have fired the buildings, on a charge of burning which he had been convicted.<sup>13</sup> He then said he had been acquainted with Keyes for several years; and had been much displeased with the administration for not granting the prayer of the petition which he had presented, after all that Dr. K. had suffered, the nature of the evidence that had been adduced, and the prayer of the inhabitants in his favor, among whom he had formerly resided.<sup>14</sup> Dr. Keys for fifty years had borne a good character; and his advertising as a Doctor was no proof that he was not insane.<sup>15</sup>

MR. J. CAMERON (Cornwall) said he was present at the trial, and he<sup>16</sup> disagreed entirely with the hon. member for Wentworth. Instead of the evidence proving, as he had stated, that Dr. Keyes had not been in the vicinity of the place where the fire occurred for three months, it was proved that he was there but a few days before. The proposal to burn the building was made by Keyes to Smith, the accomplice, who gave evidence relative to circumstances that occurred before the fire; there was also distinct and positive evidence of four or five letters in Dr. Keyes hand-writing proposing the burning of the building, and directing the manner in which it was to be effected, for the purpose of recovering the insurance. It was as clear a case as he (Mr. C.) had ever heard proved; and a more diabolical plot had never been concocted by any one.<sup>17</sup>

DR. SMITH explained.<sup>18</sup>

MR. SHERWOOD said the question was not whether Dr. Keys had been justly convicted or not; the government did not pretend that<sup>19</sup> the jury did not act correctly in convicting him.<sup>20</sup> The question was whether he was insane. If so, he (Mr. S.) was not going to blame the government for releasing Dr. Keys, for an act which might be considered humane, but he did blame them for letting loose a dangerous person upon society. We have a Lunatic Asylum<sup>21</sup> where he would have been prevented from doing mischief.<sup>22</sup> Society has a right to be protected against insane persons.<sup>23</sup> Though the government had not the power of thus transferring him, they might have pardoned him upon condition that his friends would have him taken care of, and should not have sent into the community an insane man; and who might commit acts of a serious nature to society or individuals.<sup>24</sup> He (Mr. S.) had understood he had returned to the place he resided in before, and had advertised that he would practice surgery and medicine.<sup>25</sup> He therefore was a sane man. He (Mr. S.) only blamed the government for not having taken the necessary precautions.<sup>26</sup>

MR. COM. CR. LANDS PRICE said the government had been blamed for allowing an insane person to go at large. If gentlemen would reflect for one moment, they would admit that it would be improper to send an insane criminal to an asylum which was not established for that purpose. He would ask the learned member for Toronto if he would like any friend of his to associate with a person of this description.<sup>27</sup> He thought it would be wrong to wound the feelings of those who had sent friends<sup>28</sup> ((or)) unfortunate relations<sup>29</sup> to the asylum, by sending criminals amongst them.<sup>30</sup> The Government had acted on the opinion given by the Superintendent of the Penitentiary, and<sup>31</sup> in discharging Dr. Keyes had taken the only precaution which was in their power--they had handed him over to his friends, who they expected would have him confined from motives of natural feeling and what they owed the community. If the Medical Superintendent had been mistaken, he should like to know how the government were to blame for that: the member for Toronto would agree with him that that gentleman was a very talented individual. The remark of the learned member for Norfolk, as to his having insinuated that Dr. Keys was insane, was not correct. If the learned gentleman persisted in making such observations, he would lose what influence he has in the house. The government Mr. P. said had rejected numerous petitions for Dr. Keyes' liberation founded on



his former good character; and it was only when he was considered insane, that they consented he should be liberated. But when the Medical Superintendent was asked if he considered Dr. Keyes insane, he replied in the affirmative, and on that opinion the government acted. He (Mr. P.) said he had declared repeatedly to the member for Wentworth, that the government would not liberate him, because they were satisfied of his guilt. The opinion which Dr. Sampson had given was such as he as a medical man was bound to give.<sup>32</sup>

MR. BADGLEY said if a prisoner were deemed insane, and there was no place in which to confine him in but the penitentiary, he must be discharged; the government possessed no legal power to send him to an asylum, and he must therefore be restored to his friends.<sup>33</sup> The question would turn on the man's insanity, and if the government were satisfied with the report of the doctor, they had no other course than the one they had followed.<sup>34</sup> The only question with him was whether the opinion of the medical officer was sufficient. If it was, there was an end to the whole affair. But the question had been left open; the prisoner was described as being of deranged intellect, it might be monomania. If the superintendent thought him insane he should have so stated it.<sup>35</sup>

MR. H. BOULTON explained that in what he said he had no reference to the government; he meant that the Doctor had given a doubtful certificate.<sup>36</sup>

MR. AT. GEN. LAFONTAINE made some remarks which we did not hear distinctly.<sup>37</sup>

SIR A. MACNAB said, the subject had excited a good deal of attention in the Gore District, where Doctor Keyes had formerly been tried for malpractices, and was convicted of arson of a most aggravated character; and up to that day might have borne a good character.<sup>38</sup> ((He)) had understood he had already been tried for manslaughter, but he was not sure.<sup>39</sup>

DR. SMITH denied it, he had never heard of it.<sup>40</sup>

MR. SOL. GEN. MACDONALD (Glengarry), he had been tried for mal-practice, but not for manslaughter.<sup>41</sup>

SIR A. MACNAB reverted to the crimes Dr. Keyes had committed. He read from the report of the doctor to the effect that the man was possessed of a weak body, and that his mind was disordered. He (Sir Allan) did not believe the man was insane at all.<sup>42</sup> The certificate merely testified to a disordered state of intellect, and that the bodily health of the prisoner was impaired. As soon as he is discharged, he is found practicing his profession.<sup>43</sup> The hon. member from Wentworth had given him a good character, his hon. friend from Cornwall had shown the nature of the crimes Dr. Keyse (sic) had been guilty of, and he (Sir Allan) remembered some disgusting circumstances connected with the case.<sup>44</sup>

MR. INSP. GEN. HINCKS said, Doctor Sampson had given a good deal of attention to the case, and did not make up his own opinion, until he had called in two or three other medical men belonging to Kingston<sup>45</sup>, before recommending the release.<sup>46</sup> ((He)) said he had one observation to make. He could not give a better proof that the Government did not wish to let him out upon the community than their having refused<sup>47</sup> repeated applications to have Dr. Keys liberated.<sup>48</sup> It had been a very aggravated case of arson, and that was their reason<sup>49</sup>, and it was only when the state of his mind was considered such as to warrant it, that he was discharged.<sup>50</sup> Mr. Hincks admitted that it had been a source of great mortification to every member of the government to see Dr. Keys go to the practice of his profession immediately after he had been released on a certificate that he was insane.<sup>51</sup>--It would also be seen that the letters received from his friends, led to the belief that<sup>52</sup> Dr. Keys friends had promised before his release that he should be sent to the lunatic asylum at Utica.<sup>53</sup>

MR. CHRISTIE resumed the subject, and said while he would vote for the address, it did not follow that he intended conveying any censure upon the government.<sup>54</sup>

Some further discussion ensued<sup>55</sup>.

(51)

*The House divided: and the names being called for, they were taken down, as follow:--*

YEAS.

*Messieurs Badgley, Boulton of NORFOLK, Boulton of TORONTO, Cameron of CORNWALL, Cayley, Christie, Dickson, Sir Allan N. MacNab, Malloch, McLean, Papineau, Prince, Robinson, Seymour, Sherwood of BROCKVILLE, and Smith of FRONTENAC.--(16.)*

NAYS.

*Messieurs Armstrong, Attorney General Baldwin, Bell, Bouthillier, Cameron of KENT, Cartier, Chabot, Chauveau, Davignon, DeWitt, Duchesnay, Dumas, Flint, Fortier, Fournier, Guy, Hall, Hincks, Holmes, Jobin, Johnson, Attorney General LaFontaine, LaTerrière, Laurin, Solicitor General Macdonald, Marquis, McConnell, Morrison, Notman, Price, Ross, Sauvageau, Smith of DURHAM, Smith of WENTWORTH, Thompson, and Viger.--(36.)*

*So it passed in the Negative.*

SIR A. MACNAB<sup>56</sup> moved for leave to bring in a bill to amend the act providing for the Indemnity of parties whose property was destroyed during the rebellion in Lower Canada in 1837 and '8.<sup>57</sup> He said he was prepared to be charged by the House, with wishing to stir up the scenes of 1837-8<sup>58</sup>, for the purpose of excitement<sup>59</sup> ((and)) creating division among the different sections of the people in the course he was taking<sup>60</sup>. But he was not actuated by any such motive<sup>61</sup>, he was not for this reason to be prevented from doing his duty to the people<sup>62</sup> and conferring a benefit on the country. He could confidently appeal to the Members for Lower Canada some of whose friends might be injured by the steps he was about to take, whether his conduct towards them had not been marked by a uniform sense of justice.<sup>63</sup> In explaining the nature of his bill, the hon. member read the governor's answer to the Hastings Address, in which the governor's word was pledged that rebels were not to be paid.--He stated that he had introduced the words of the governor general into his bill<sup>64</sup>. He had also adopted in the Bill the amendment proposed by the hon. Member for London, providing that none who engaged in the rebellion should be indemnified.<sup>65</sup> The hon. member said that he could not better explain his bill than by reading it, as it was short. Here the hon. member read his bill. He explained that he had fairly and truly recited the opinion given by the head of the government. Doubts had arisen as to the fact of those who were to receive Indemnity.<sup>66</sup> He had no wish to revert to the scenes of 1837-38.<sup>67</sup> He repeated that he felt he was doing his duty to the country in the course he had pursued, and, seconded by MR. BADGLEY, he begged leave to introduce his bill.<sup>68</sup>

(51)

Rebellion  
Losses (L.C.)  
Indemnifica-  
tion Act.

*Sir Allan N. MacNab moved, seconded by the Honorable Mr. Badgley, and the Question being put, That leave be given to bring in a Bill to amend the Act to provide for the Indemnification of parties in Lower Canada, whose pro-*

(52)

*perty was destroyed during the Rebellion in the years one thousand eight hundred and thirty-seven and one thousand eight hundred and thirty-eight;*

*The House divided: and the names being called for, they were taken down, as follow:--*

YEAS.

*Messieurs Badgley, Boulton of TORONTO, Cameron of CORNWALL, Cayley, Christie, Crysler, Dickson, Hopkins, Sir Allan N. MacNab, Malloch, McConnell, McLean,*



Papineau, Prince, Robinson, Seymour, Sherwood of BROCKVILLE, Smith of FRONTENAC, and Stevenson.--(19.)

NAYS.

Messieurs Armstrong, Attorney General Baldwin, Bell, Boulton of NORFOLK, Bouthillier, Burritt, Cameron of KENT, Chabot, Chauveau, Davignon, DeWitt, Solicitor General Drummond, Duchesnay, Dumas, Flint, Fortier, Fournier, Fourquin, Hall, Hincks, Holmes, Jobin, Johnson, Attorney General LaFontaine, LaTerrière, Laurin, Lemieux, Solicitor General Macdonald, Marquis, Morrison, Notman, Price, Ross, Sauvageau, Scott of BYTOWN, Smith of DURHAM, Smith of WENTWORTH, Taché, Thompson, and Viger.--(40.)

*So it passed in the Negative.*

Mr. Gugy having entered while the names on the Division were being taken down, and having claimed the right of recording his vote,

against the introduction of the bill<sup>69</sup>,

A member said that the hon. member (Mr. Gugy) was outside the Bar when the question was put: and should not vote.<sup>70</sup>

MR. MORIN the SPEAKER said that if the hon. member was outside the bar he should not vote.<sup>71</sup>

(52)

*Mr. Speaker decided that his vote could not be taken; and on an appeal being made to the House from Mr. Speaker's decision, the House divided:--And the decision of Mr. Speaker was confirmed.*

MR. AT. GEN. BALDWIN<sup>72</sup> moved, that when the House adjourned, it should stand adjourned till Monday next; a motion made necessary by the excursion which was to take place the following day (Friday).<sup>73</sup>

A long and somewhat amusing discussion took place upon it.<sup>74</sup>

COL. PRINCE took up the programme of the excursion to take place to-morrow, and commented upon it at some length, amid the continued roars of the whole House; compared it to some circus bills<sup>75</sup>; et conclut en disant qu'il ne ferait pas partie de la promenade, pour des raisons qu'on comprendrait facilement, et qui avaient rapport à un certain haut personnage qui y serait sans doute présente: (allusion sans doute à lord Elgin). Il pense que cette excursion n'a été projetée que dans la vue de faire du capital politique.<sup>76</sup>

MR. PAPINEAU.--En me levant pour prendre la parole sur cette motion, je prends occasion de dire pourquoi je viens de voter avec Sir Allan MacNab sur le bill qu'il voulait présenter au sujet de l'indemnité. Je considère que tout homme a le droit (qui lui est garanti par la constitution même) d'introduire dans cette chambre quelque mesure qui lui plaise; comme on le sait bien, à la seconde lecture du bill, j'aurais voté contre, suivant mes principes bien connus; mais je ne veux pas contribuer à supprimer la libre expression des opinions, en votant contre un bill quelconque, avant même qu'il n'ait été lu une première fois dans cette chambre. C'est là un de ces petits moyens, une intrigue nouvelle, que le gouvernement vient d'inventer pour étouffer la discussion, intrigues auxquelles je ne m'associerai jamais.<sup>77</sup>

Loud cries of order here arose from the ministry and their supporters.<sup>78</sup>

MR. MORIN the SPEAKER did not think that the hon. member was in order.<sup>79</sup>

SIR A. MACNAB said the hon. member had the right of speaking generally to the motion before the chair.<sup>80</sup>

Loud cries of chair! chair! some confusion.<sup>81</sup>

MR. PAPINEAU continued to speak; he considered the howl that was made by the



ministry when he gave his vote on Sir Allan MacNab's bill, was characteristic of them. He said that they did not know what parliamentary precedents were. He deprecated the proposed trip of the Legislature of the Welland Canal; and characterised it as one of their mad acts and of a piece with all they had done. It was wrong to make such an absurd show at the public expense; and waste of public time. It was a mere piece of trickery to gain praises.<sup>82</sup> Une tentative de la part du gouverneur pour quêter du capital politique, et de montrer partout que les membres de la Chambre ne font autre chose en tout et partout que de se traîner humblement à sa suite. Le gouverneur-général ne devait pas passer son temps à courir ici et là pour escamoter la popularité. Et quant à cette manière d'enseigner aux membres les avantages de creuser de profondes routes et la nécessité de voter encore quelques sommes d'argent pour un ouvrage qui, ayant été estimé d'abord à \$100,000 en a coûté \$1,200,000, faisant ainsi voir la folie de l'entreprise--quant à ce mode d'instruction, le temps est trop court pour en retirer quelque chose de bon. Il condamne l'excursion proposée comme une chose qu'aucun précédent, pas plus que la saine raison ne pouvait justifier.<sup>83</sup> They wanted to take newspaper editors with them, and get paragraphs written extolling the greatest works in the world. It was a humbug and a piece with the rest of their acts.<sup>84</sup>

MR. INSP. GEN. HINCKS regretted that his friend from Lincoln was not in his place. In his absence he would make a few remarks. The hon. member proceeded to show that it was customary to celebrate the opening of public works, and instanced the opening of the Beauharnois Canal, and the Railroad to St. Hyacinthe, at which the Governor General attended as well as members of the legislature. He denied that there would be any attempt to get up any political capital. Nothing political would be alluded to; and any political allusion would be more deprecated on his (Mr. H.'s) side of the house than the other. All that they intended to do was to celebrate the opening of the Welland Canal.<sup>85</sup>

COL. PRINCE explained that he did not know that it was a celebration to open the Canal. In this case he had nothing to say against it. (Hear, hear.) He thought it was only to be an excursion.<sup>86</sup> Mais définitivement une agréable promenade aux frais de la province souriait assez aux honorables et laborieux représentants dont la majorité vota pour l'excursion.<sup>87</sup>

SIR A. MACNAB made some summary remarks on the programme of the excursion which he condemned. He thought that while the province paid them \$4 a day it had a right to their services. He had heard that General Taylor "old rough and ready" was to meet the Governor General at Buffalo, and that they were going to arrange the reciprocity business. Well, he hoped the champagne would be good and that they would enjoy themselves and get back safely on Thursday morning. He would not divide the House.<sup>88</sup>

MR. DRUMMOND made a few remarks contrasting the jollity of Col. Prince and Sir A. MacNab with the temper shown by Mr. Papineau. He said it was known that the hon. member desired to have the Public Works blown up. He stated that the time wasted would be one day and the expense would be small.<sup>89</sup>

DR. LATERRIERE made some remarks.<sup>90</sup>

MR. H. BOULTON (Norfolk) spoke against the project of the excursion.<sup>91</sup> ((He)) said it was undignified<sup>92</sup>.

MR. W. BOULTON (Toronto) said that if the House were divided he would vote for the motion.<sup>93</sup>

Cries of Oh, no, no<sup>94</sup>.

The motion was carried without a division.<sup>95</sup>

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Adjournment.*On motion of the Honorable Mr. Attorney General Baldwin, seconded by Mr. Fortier,**Resolved, That when this House doth adjourn, it will adjourn until Monday next.*Slander  
and Libel  
Law Bill.*The Order of the day for the second reading of the Bill to amend the Law relating to Slander and Libel, being read; 96*

MR. J. CAMERON (Cornwall) moved his Bill to amend the law of slander and Libel. He said that he wished to introduce the English law of Libel into this Colony<sup>97</sup>. The present Bill was analogous to one which had been passed in England in 1843. He thought that that Bill, with a few alterations would be very applicable to this Colony. He proposed to allow the person prosecuted for libel to plead a written apology in mitigation of damages<sup>98</sup>, to reverse the maxim "the greater the truth the greater the libel" in certain cases, by allowing parties prosecuted criminally to plead truth as a justification, provided it can be shown that the publication was for the public good<sup>99</sup>, for it appeared to him to be a monstrous thing that a person should be allowed to come before the public and proceed against another, because the latter was unable to plead the truth, as his doing so might lead to a breach of the peace. He said he did not wish to remove all restrictions, as journalists and others might in that case go into mere family matters, and rake up and expose to the public view, things with which the public had no manner of concern. His proposition was merely that a journalist might be allowed to plead the public benefit, as a good and sufficient reason for the publication of what he called libellous matter; and the only alteration that he proposed to make in the English law in that respect was so far as regards the particularity of the English law, which made it necessary for the defendants to show in what manner benefit accrued to the public.<sup>100</sup> He also proposed to render parties guilty of the highest crime, of which his bill takes cognizance who shall publish or threaten to publish, or refuse to publish anything with a view of extorting money.<sup>101</sup> The maximum of punishment ... should be a fine of £100 or two years imprisonment, and that in other cases of libel the fine should not exceed £50.<sup>102</sup> He further proposed to render parties responsible for the acts of their agents, even if they were ignorant of the acts of their agents.<sup>103</sup>

MR. AT. GEN. BALDWIN said, the proposed Bill would certainly be an improvement upon the existing law of libel; but there were however, a few matters of detail in it, which he hoped would be amended when it came before the Committee.<sup>104</sup> ((He)) suggested that the part of the bill that relates to the punishments should be reconsidered.<sup>105</sup>

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*The Bill was accordingly read a second time; and committed to a Committee of the whole House, for Monday next.*Montreal Re-  
gistry Bill.*The engrossed Bill to extend the period limited for certain purposes in the Montreal Registry Act, was, according to Order, read the third time.**Resolved, That the Bill do pass.**Ordered, That the Honorable Mr. Attorney General LaFontaine do carry the Bill to the Legislative Council, and desire their concurrence.*Bill relating  
to Buoys on  
certain shoals.*The engrossed Bill to oblige the Trinity House of Quebec to lay down Buoys to mark the shoals in the north channel of the River St. Lawrence, and to facilitate the traverse from Cape Tourmente to Isle aux Reaux, was, according to Order, read the third time.**Resolved, That the Bill do pass.*



*Ordered, That the Honorable Mr. LaTerrière do carry the Bill to the Legislative Council, and desire their concurrence.*

Emigrants' Tax.

*Mr. Duchesnay, from the Committee to consider the expediency of allowing the return of a portion of the Emigrants' Tax on Emigrants merely passing through this Province to the United States, reported a Resolution; which was read, as followeth:--*

*Resolved, That it is expedient to encourage the use of the St. Lawrence route by Emigrants from Europe to the United States, by providing that, subject to proper regulations and provisions, one-half of the Tax on such Emigrants may be returned to the Shipowner, or other person justly entitled to receive the same, on proof that such Emigrants have actually proceeded to the United States, without subjecting the Emigrant department to any expense.<sup>106</sup>*

MR. INSP. GEN. HINCKS moved that the report of the Committee of the whole on refunding a portion of the Emigrant Tax, be received.<sup>107</sup>

MR. BADGLEY said, with respect to refunding a portion of the Emigrant Tax, that he thought it ought not merely to be reduced, but should be taken off altogether.<sup>108</sup>

MR. H. SHERWOOD (Toronto) also thought that<sup>109</sup> the effect of making a distinction in a rate of tax between those emigrants who go to the United States and those who remain here<sup>110</sup> operated against the interests of the country, by deterring Emigrants from settling in Canada, and induced them to land at American ports where no such tax was imposed.<sup>111</sup> He thought it would be a wise policy to remit all the tax here, and pay whatever expense might be incurred on account of emigrants out of the general revenue.<sup>112</sup> He thought that for the encouragement of emigration, and more especially at the present season in view of an extensive immigration from Europe,--every facility should be afforded to settlers proposing to make this country their home. The present regulations were calculated to induce agents in the United States to encourage the landing of Emigrants at the American ports.<sup>113</sup> ((He)) complained of the heavy burden which had been imposed on the towns, on Toronto especially, by the refusal of the Provincial Government to bear any part of the expense consequent upon the pauper immigration during the last two years.<sup>114</sup>

MR. H. BOULTON (Norfolk) ... ((was)) of opinion that the tax should be wholly removed.<sup>115</sup>

MR. HOLMES hoped that the hon. Inspector General would not press his motion then, for he thought that the time had arrived when the tax ought to be repealed in toto.<sup>116</sup> The States had repealed it and the beneficial results which were thus produced had fully justified that repeal.<sup>117</sup> He believed that nothing would do so much to allay the feelings between the two rival races, French and English, as the remission of this tax.<sup>118</sup> It had caused a great deal of animosity between the different races that inhabit the Province, and turned aside the stream of immigration to the United States, to the great loss of the Colony. For, in his opinion, the bone and sinew of the poorest immigrant that stopped in Canada was worth ten times more than all the proceeds of this paltry tax.<sup>119</sup> The resolution now proposed by the hon. Inspector General was calculated to induce steamboat owners and forwarders to secure the passage of Emigrants through the Canadian waters to the neighboring States. He hoped the measure would not be bullied through the house.<sup>120</sup>

MR. INSP. GEN. HINCKS said this was a very inconvenient time to discuss the question.<sup>121</sup> ((He)) did not desire to press the question, he merely introduced a resolution on which to found a bill,<sup>122</sup> no bill had been introduced at all as yet.<sup>123</sup> When that bill came before the House, hon. members might become acquainted with its provisions, and offer their opinions upon them.<sup>124</sup> It was not the desire



of the Government to press this resolution in opposition to the commercial interests of Montreal.<sup>125</sup> The subject had been taken up at the urgent request of the forwarders: and if they were opposed to it the government was prepared to abandon it.<sup>126</sup> He must, however, give the hon. member for Montreal to understand that the Government was not prepared to throw the expense attending the immigration on the consolidated revenue; and he must also say that if the House now demanded that these charges should be borne on the consolidated revenue, a most extraordinary change had taken place since the imposition of this tax was clamorously demanded.<sup>127</sup> He differed from Mr. Holmes as to the measure being a disgrace to the statute book, if the country was making a revenue out of the tax it would be disgraceful.<sup>128</sup> The government were by no means anxious to tax emigrants, or to offer any obstacle to their passage through Canadian waters. But<sup>129</sup> the government were beset with representations from the Mayors of several cities of Upper Canada,<sup>130</sup> Woodstock and Kingston and Toronto,<sup>131</sup> about the pauper emigration that were coming upon us: and the government had to prevent these cities and towns having to bear the burden of these emigrants. The government were not prepared to recommend the remission of the tax or to make any charges upon the consolidated revenue on account of emigrants.<sup>132</sup> He said the Government had not forgotten to consider that point, and had resolved that the surplus proceeding from the tax, after what he might call the legitimate expenses--that is, the expenses at the regular Emigrant Stations were defrayed--should be set apart for the purpose of relieving the towns it should be borne in mind that not one shilling arising from the immigrant tax went into the public treasury.<sup>133</sup> On the other hand, the whole amount derived from the emigrant tax would be expended for purposes connected with emigration.<sup>134</sup> It was only a matter of 3s. 9d. and he did not think for that sum an emigrant would change his determination.<sup>135</sup>

MR. SHERWOOD said that it was unfair to make that tax a part of the public revenue; it should belong to the city authorities. During last season much expense and inconvenience was brought upon the inhabitants of Toronto by pauper emigrants, and the tax raised upon that emigration should have been applied to reimburse the city for those expenses.<sup>136</sup>

MR. J. CAMERON (of Cornwall) did not think that the Government ought to be expected to repeal the emigrant tax, although they might amend the Act imposing that tax.<sup>137</sup> ((He)) did not see how the government could be expected to take off this tax at once and throw the charge on the public revenue: he believed the country was not prepared for that course.<sup>138</sup> It was necessary that some collection should be made and applied by the Government to defray the expenses of those establishments which they were obliged to maintain. He thought that the City of Toronto had been unfairly dealt with, as regarded the expense with which the City was saddled by the pauper emigration of last year. The City of Kingston had been compensated for the loss which it had incurred. Toronto should also have been remunerated.<sup>139</sup>

MR. INSP. GEN. HINCKS explained, to the effect, that rather than allow the emigrants at Kingston to suffer, the Government had authorised the Emigrant Agent to take sufficient from the Emigration Tax to relieve them, but the Corporation of that city had not received any money from Government. And when the Government came to divide the funds derived from emigration, the amount advanced by the emigrant agent would be the sum claimed by the city of Kingston for the losses sustained.<sup>140</sup> The emigrant tax still continues in the State of New York.<sup>141</sup>

COL. PRINCE condemned the discussion on the reception of the report of the committee. He said if that order were followed there would never be any end to discussion. That was not the stage to discuss any question.<sup>142</sup>

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*The said Resolution, being read a second time, was agreed to.*

Emigrants  
encourage-  
ment Bill.

Ordered, That the Honorable Mr. Hincks have leave to bring in a Bill to encourage Emigrants from Europe to the United States to use the St. Lawrence route.

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time, on Tuesday, the eleventh instant.

Notarial Pro-  
fession Organ-  
ization Bill.

The Order of the day for the second reading of the Bill to amend and consolidate the Act providing for the organization of the Notarial Profession in Lower Canada, being read;

Ordered, That the Bill be read a second time, on Monday next.

Bill relating to  
Law Proceed-  
ings (U.C.)

The Order of the day for the second reading of the Bill to amend the Law, simplify the practice and reduce the expense of legal proceedings in Upper Canada, being read;

Ordered, That the Bill be read a second time, on Monday next.

Meeting of  
Parliament  
Bill.

The Order of the day for the second reading of the Bill to fix the time and place for the meeting of Parli-  
ament, being read;

Ordered, That the Bill be read a second time, on Wednesday next.

Bill to exclude  
certain persons  
from Offices.

The Order of the day for the second reading of the Bill to exclude persons from Offices who have been concerned in creating them, or increasing their emoluments, being read;

Ordered, That the Bill be read a second time, on Wednesday next.

Actions of  
Dower Bill.

The Order of the day for the second reading of the Bill to alter the practice of the law in Actions of Dower in Upper Canada, being read;

Ordered, That the Bill be read a second time, on Monday next.

Actions of  
Ejectment  
Bill.

The Order of the day for the second reading of the Bill to alter and amend the practice and proceedings in Actions of Ejectment in Upper Canada, being read;

Ordered, That the Bill be read a second time, on Monday next.

Imprisonment  
for Debt Bill.

The Order of the day for the second reading of the Bill for abolishing imprisonment for debt, being read;

Ordered, That the Bill be read a second time, on Wednesday next.

Joint Stock  
Companies  
Bill.

The Order of the day for the second reading of the engrossed Bill from the Legislative Council, intituled, "An Act to provide for the formation of incorporated Joint Stock Companies for manufacturing, mining, mechanical or chemical purposes," being read;

Ordered, That the Bill be read a second time, on Monday next.

Cullers' Bill.

The Order of the day for the second reading of the Bill to amend the Act passed in the eighth year of Her Majesty's Reign, chapter forty-nine, intituled, "An Act to regulate the culling and measurement of Timber, Masts, Spars, Deals, Staves, and other articles of a like nature, and to repeal a certain Act therein mentioned," being read;

Ordered, That the Bill be read a second time, on Monday next.

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Usury Law  
Bill.

The Order of the day for the second reading of the Bill to alter the Law of Usury, being read;

Ordered, That the Bill be read a second time, on Monday next.

Vessels Night  
Light Bill.

The Order of the day for the second reading of the Bill to amend an Act, intituled, "An Act to compel Vessels to carry a Light during the Night, and to make sundry provisions to regulate the navigation of the waters of this Province," being read;

Ordered, That the Bill be read a second time, on Thursday next.

Coroners' Bill.

The Order of the day for the second reading of the Bill to amend the Law respecting the office of Coroner, being

read; 143

MR. J. CAMERON (Cornwall) moved the second reading of his Bill to provide that Coroners' Inquests should be held, unless affidavit were made that suspicious circumstances had attended the death of the parties, and to provide for the payment of medical men giving evidence before Coroners' Juries; £2 10s. in ordinary examinations, and £5 in cases of poison, where an analysis of the stomach was required. 144

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The Bill was accordingly read a second time; and committed to a Committee of the whole House, for Wednesday next.

Bill relating  
to certain Pro-  
mises and En-  
gagements.

The Order of the day for the House in Committee on the Bill for rendering a written memorandum necessary to the validity of certain promises and engagements, being read;

The House accordingly resolved itself into the said Committee.

Mr. McConnell took the Chair of the Committee; and after some time spent therein,

Mr. Speaker resumed the Chair;

And Mr. McConnell reported, That the Committee had gone through the Bill, and directed him to report the same without amendment.

Ordered, That the Bill be engrossed; and read the third time on Monday next.

On motion of the Honorable Mr. Attorney General Baldwin, seconded by Mr. Laurin,

Orders  
deferred.

Ordered, That the Orders of the day, for to-morrow, be postponed until Tuesday next.

Chambly  
Turnpike  
Road Bill.

The Order of the day for the House in Committee on the Bill to amend the Ordinance relating to the Longueuil and Chambly Turnpike Road, being read;

Ordered, That the said Order of the day be postponed until Monday next.

Hamilton Gas  
Light Bill.

The Order of the day for the second reading of the Bill to incorporate the City of Hamilton Gas Light Company, being read;

The Bill was accordingly read a second time; and committed to a Committee of the whole House.

Resolved, That this House will immediately resolve itself into the said Committee.

The House accordingly resolved itself into the said Committee.



Mr. Laurin took the Chair of the Committee; and after some time spent therein, Mr. Speaker resumed the Chair;

And Mr. Laurin reported, That the Committee had gone through the Bill, and made amendments thereunto.

Ordered, That the Report be received on Monday next.

Then, on motion of the Honorable Mr. Hincks, seconded by Mr. Laurin,  
The House adjourned.

((NOTICE OF MOTION RE: SEIGNEURIAL TENURE.))<sup>145</sup>

DR. DAVIGNON gave notice that he would move, in committee of the whole, on the 11th instant, in addition to the resolutions to be proposed by Mr. Lafontaine, that it be resolved as the opinion of this committee, that it is expedient to relieve, by declaratory enactment, all such lands en roture in any seigniority in this province, of any and all rentes, pretended seigniorial redevances, dues, charges, or encumbrances of whatever kind imposed or stipulated to the prejudice of the censitaire or land-holder, whether by the original title deeds of concession, or on the renewal thereof by the seignior for the time being, as from time to time have taken place in various seigniories, not only without the authority, but in contradiction of the ancient laws of the province, and to the spirit in which the grants of these seigniories were made to the original grantees, and to adopt measures as well to put an end to, as to prevent in future, the abuses which, to the prejudice of the censitaire or land-holder, the feudal tenure was prevented, and to re-establish the said tenure in its original purity in accordance with the ancient laws and usages of Canada.<sup>146</sup> Dr. Davignon in giving his notice ... had not the intention to impede in any way the commutation, but he must remark that the Conventions held on this subject in the Districts of Quebec and Montreal had given instructions to Mr. Lemieux and himself to proceed, by a declaratory law and specifying the real Los (sic) et ventes to be paid to the Seignors, these two Conventions being of opinion that such law will have the effect of facilitating that commutation in establishing the basis upon which it will be made.<sup>147</sup>

((NOTICE OF MOTION RE: CLERGY RESERVE BILL.))<sup>148</sup>

MR. M. CAMERON (Kent) gave notice, that he would, on Wednesday next, move for leave to introduce a bill on the Clergy Reserve question. (Hear, hear.)<sup>149</sup>

((NOTICE OF MOTION RE: UNIVERSITY BILL.))<sup>150</sup>

MR. AT. GEN. BALDWIN gave notice, that he would, on Monday, move for leave to bring in a Bill to explain certain doubts that had arisen from the manner in which the University Charter is at present framed.<sup>151</sup>

((POSTPONED REFERENCE OF A PETITION RE: REPRESENTATION.))<sup>152</sup>

MR. HOPKINS moved the reference of a petition on the subject of Representation.<sup>153</sup>

MR. COM. CR. LANDS PRICE hoped that the hon. gentleman would postpone the reference for the present, as it was the intention of the hon. Attorney General East to bring in a representation Bill, which would, no doubt, embrace the object referred to in this subject.<sup>154</sup>

MR. HOPKINS assented.<sup>155</sup>

MR. H. SHERWOOD said, that before the Bill was withdrawn, he would enquire whether it was the intention of the Government to introduce the bill while that clause of the Union Act was in force, which required the concurrence of two-thirds of the House previous to any alteration being made in the representation.<sup>156</sup>

MR. AT. GEN. LAFONTAINE said that clause of the Union Act had been repealed since the introduction of his Bill last Session.<sup>157</sup>

MR. H. SHERWOOD was aware that was the case; but he had heard that the Ministry designed to carry the bill by a bare majority of the House--as, no doubt, they were able to do--and then represent to the Imperial Parliament the necessity

of carrying out the wishes of the House, and praying for that purpose, that the clause might be repealed. He desired to know whether that was the case or not?<sup>158</sup>

MR. AT. GEN. BALDWIN and MR. AT. GEN. LAFONTAINE--Certainly not.<sup>159</sup>



FOOTNOTES: 6 JUNE 1850.

1. The following papers reported the debate on this matter in identical accounts: PILOT, 11 June 1850, BRITISH COLONIST, 11 June 1850, HAMILTON SPECTATOR, 12 June 1850, KENT ADVERTISER, 13 June 1850, BATHURST COURIER, 14 June 1850, and PACKET, 22 June 1850. The debate was also reported by: BRITISH WHIG, 10 June 1850; MONTREAL GAZETTE, 11 June 1850; and EXAMINER, 19 June 1850. NORTH AMERICAN, 7 June 1850; and MONTREAL TRANSCRIPT, 11 June 1850, noted the debate.
2. HAMILTON SPECTATOR, 12 June 1850.
3. MONTREAL GAZETTE, 11 June 1850.
4. HAMILTON SPECTATOR, 12 June 1850.
5. IBID.
6. MONTREAL GAZETTE, 11 June 1850.
7. BRITISH WHIG, 10 June 1850.
8. HAMILTON SPECTATOR, 12 June 1850.
9. BRITISH WHIG, 10 June 1850.
10. HAMILTON SPECTATOR, 12 June 1850.
11. BRITISH WHIG, 10 June 1850.
12. HAMILTON SPECTATOR, 12 June 1850.
13. EXAMINER, 19 June 1850.
14. HAMILTON SPECTATOR, 12 June 1850.
15. EXAMINER, 19 June 1850.
16. IBID.
17. HAMILTON SPECTATOR, 12 June 1850.
18. MONTREAL GAZETTE, 11 June 1850.
19. EXAMINER, 19 June 1850.
20. HAMILTON SPECTATOR, 12 June 1850.
21. EXAMINER, 19 June 1850.
22. HAMILTON SPECTATOR, 12 June 1850.
23. EXAMINER, 19 June 1850.
24. HAMILTON SPECTATOR, 12 June 1850.
25. BRITISH WHIG, 10 June 1850.
26. HAMILTON SPECTATOR, 12 June 1850.
27. IBID.
28. EXAMINER, 19 June 1850.
29. BRITISH WHIG, 10 June 1850.
30. EXAMINER, 19 June 1850.
31. BRITISH WHIG, 10 June 1850.
32. HAMILTON SPECTATOR, 12 June 1850.
33. IBID.
34. MONTREAL GAZETTE, 11 June 1850.
35. HAMILTON SPECTATOR, 12 June 1850.
36. IBID.
37. IBID.
38. IBID.
39. BRITISH WHIG, 10 June 1850.
40. IBID.
41. IBID.
42. MONTREAL GAZETTE, 11 June 1850.
43. HAMILTON SPECTATOR, 12 June 1850.
44. MONTREAL GAZETTE, 11 June 1850.
45. HAMILTON SPECTATOR, 12 June 1850.
46. EXAMINER, 19 June 1850.
47. BRITISH WHIG, 10 June 1850.
48. HAMILTON SPECTATOR, 12 June 1850.

49. BRITISH WHIG, 10 June 1850.
50. HAMILTON SPECTATOR, 12 June 1850.
51. EXAMINER, 19 June 1850.
52. HAMILTON SPECTATOR, 12 June 1850.
53. EXAMINER, 19 June 1850.
54. HAMILTON SPECTATOR, 12 June 1850.
55. MONTREAL GAZETTE, 11 June 1850.
56. The following papers reported the debate on this matter in partially identical accounts: PILOT, 11 June 1850, BRITISH COLONIST, 11 June 1850, HAMILTON SPECTATOR, 12 June 1850, ST. CATHARINES JOURNAL, 13 June 1850, BATHURST COURIER, 14 June 1850, and PACKET, 22 June 1850. The debate was also reported by: BRITISH WHIG, 10 June 1850; MONTREAL GAZETTE, 11 June 1850; EXAMINER, 19 June 1850; LA MINERVE, 10 June 1850; and L'AVENIR, 22 June 1850. MONTREAL TRANSCRIPT, 11 June 1850, noted the debate. Commentaries on Sir A. MacNab's motion appeared in: PILOT, 11 June 1850; HAMILTON SPECTATOR, 15 June 1850; and MONTREAL GAZETTE, 15 June 1850.
57. MONTREAL GAZETTE, 11 June 1850.
58. BRITISH WHIG, 10 June 1850.
59. MONTREAL GAZETTE, 11 June 1850.
60. HAMILTON SPECTATOR, 12 June 1850.
61. BRITISH WHIG, 10 June 1850.
62. MONTREAL GAZETTE, 11 June 1850.
63. HAMILTON SPECTATOR, 12 June 1850.
64. MONTREAL GAZETTE, 11 June 1850.
65. HAMILTON SPECTATOR, 12 June 1850.
66. MONTREAL GAZETTE, 11 June 1850.
67. HAMILTON SPECTATOR, 12 June 1850.
68. MONTREAL GAZETTE, 11 June 1850.
69. IBID.
70. IBID.
71. IBID.
72. The following papers reported the debate on this matter in identical accounts: BRITISH COLONIST, 11 June 1850, HAMILTON SPECTATOR, 12 June 1850, KENT ADVERTISER, 13 June 1850, and ST. CATHARINES JOURNAL, 13 June 1850. The debate was also reported by: BRITISH WHIG, 10 June 1850; MONTREAL GAZETTE, 11 June 1850; LA MINERVE, 10 June 1850; and L'AVENIR, 22 June 1850. NORTH AMERICAN, 11 June 1850, noted the debate, copied from PATRIOT, of unknown date. A commentary appeared in BRITISH COLONIST, 11 June 1850.
73. HAMILTON SPECTATOR, 12 June 1850.
74. IBID.
75. MONTREAL GAZETTE, 11 June 1850.
76. L'AVENIR, 22 June 1850.
77. IBID.
78. MONTREAL GAZETTE, 11 June 1850.
79. IBID.
80. IBID.
81. IBID.
82. IBID.
83. L'AVENIR, 22 June 1850.
84. MONTREAL GAZETTE, 11 June 1850.
85. IBID.
86. IBID.
87. L'AVENIR, 22 June 1850.
88. MONTREAL GAZETTE, 11 June 1850.
89. IBID.

90. IBID.
91. IBID.
92. HAMILTON SPECTATOR, 12 June 1850.
93. MONTREAL GAZETTE, 11 June 1850.
94. IBID.
95. IBID.
96. The following papers reported the debate on this matter in identical accounts: NORTH AMERICAN, 11 June 1850, copied from PATRIOT, of unknown date, BRITISH WHIG, 10 June 1850; PILOT, 11 June 1850, BRITISH COLONIST, 11 June 1850, HAMILTON SPECTATOR, 12 June 1850, ST. CATHARINES JOURNAL, 13 June 1850, KENT ADVERTISER, 13 June 1850, BATHURST COURIER, 14 June 1850, and PACKET, 22 June 1850. The debate was also reported by EXAMINER, 19 June 1850.
97. HAMILTON SPECTATOR, 12 June 1850.
98. NORTH AMERICAN, 11 June 1850.
99. EXAMINER, 19 June 1850.
100. HAMILTON SPECTATOR, 12 June 1850.
101. EXAMINER, 19 June 1850.
102. HAMILTON SPECTATOR, 12 June 1850.
103. EXAMINER, 19 June 1850.
104. NORTH AMERICAN, 11 June 1850.
105. EXAMINER, 19 June 1850.
106. The following papers reported the debate on this matter in partially identical accounts: BRITISH COLONIST, 11 June 1850, PILOT, 11 June 1850, HAMILTON SPECTATOR, 12 June 1850, KENT ADVERTISER, 13 June 1850, BATHURST COURIER, 14 June 1850, and PACKET, 22 June 1850. The debate was also reported by: MONTREAL GAZETTE, 11 June 1850; NORTH AMERICAN, 11 June 1850, copied from PATRIOT, of unknown date; and EXAMINER, 19 June 1850. A commentary appeared in BRITISH COLONIST, 11 June 1850.
107. MONTREAL GAZETTE, 11 June 1850.
108. NORTH AMERICAN, 11 June 1850.
109. IBID.
110. EXAMINER, 19 June 1850.
111. NORTH AMERICAN, 11 June 1850.
112. EXAMINER, 19 June 1850.
113. NORTH AMERICAN, 11 June 1850.
114. HAMILTON SPECTATOR, 12 June 1850.
115. NORTH AMERICAN, 11 June 1850.
116. HAMILTON SPECTATOR, 12 June 1850.
117. NORTH AMERICAN, 11 June 1850.
118. EXAMINER, 19 June 1850.
119. HAMILTON SPECTATOR, 12 June 1850.
120. NORTH AMERICAN, 11 June 1850.
121. EXAMINER, 19 June 1850.
122. NORTH AMERICAN, 11 June 1850.
123. MONTREAL GAZETTE, 11 June 1850.
124. NORTH AMERICAN, 11 June 1850.
125. HAMILTON SPECTATOR, 12 June 1850.
126. EXAMINER, 19 June 1850.
127. HAMILTON SPECTATOR, 12 June 1850.
128. EXAMINER, 19 June 1850.
129. NORTH AMERICAN, 11 June 1850.
130. EXAMINER, 19 June 1850.
131. NORTH AMERICAN, 11 June 1850.
132. EXAMINER, 19 June 1850.
133. HAMILTON SPECTATOR, 12 June 1850.



134. EXAMINER, 19 June 1850.
135. MONTREAL GAZETTE, 11 June 1850.
136. NORTH AMERICAN, 11 June 1850.
137. IBID.
138. EXAMINER, 19 June 1850.
139. NORTH AMERICAN, 11 June 1850.
140. IBID.
141. EXAMINER, 19 June 1850.
142. MONTREAL GAZETTE, 11 June 1850.
143. The following papers reported this speech in identical accounts: PILOT, 11 June 1850, BRITISH COLONIST, 11 June 1850, HAMILTON SPECTATOR, 12 June 1850, KENT ADVERTISER, 13 June 1850, ST. CATHARINES JOURNAL, 13 June 1850, BATHURST COURIER, 14 June 1850, and PACKET, 22 June 1850.
144. HAMILTON SPECTATOR, 12 June 1850.
145. The following papers reported this notice in identical accounts: BRITISH COLONIST, 11 June 1850, PILOT, 11 June 1850, HAMILTON SPECTATOR, 12 June 1850, KENT ADVERTISER, 13 June 1850, and PACKET, 22 June 1850. The notice was also reported by: MONTREAL GAZETTE, 11 June 1850; and MONTREAL TRANSCRIPT, 11 June 1850.
146. MONTREAL GAZETTE, 11 June 1850.
147. HAMILTON SPECTATOR, 12 June 1850.
148. The following papers reported this notice in identical accounts: BRITISH COLONIST, 11 June 1850, PILOT, 11 June 1850, HAMILTON SPECTATOR, 12 June 1850, KENT ADVERTISER, 13 June 1850, ST. CATHARINES JOURNAL, 13 June 1850, BATHURST COURIER, 14 June 1850, and PACKET, 22 June 1850. The notice was also reported by MONTREAL TRANSCRIPT, 11 June 1850.
149. HAMILTON SPECTATOR, 12 June 1850.
150. The following papers reported this notice in identical accounts: BRITISH COLONIST, 11 June 1850, PILOT, 11 June 1850, HAMILTON SPECTATOR, 12 June 1850, KENT ADVERTISER, 13 June 1850, BATHURST COURIER, 14 June 1850, and PACKET, 22 June 1850. The notice was also reported by MONTREAL TRANSCRIPT, 11 June 1850.
151. HAMILTON SPECTATOR, 12 June 1850.
152. The following papers reported this withdrawn petition in identical accounts: BRITISH COLONIST, 11 June 1850, HAMILTON SPECTATOR, 12 June 1850, KENT ADVERTISER, 13 June 1850, and ST. CATHARINES JOURNAL, 13 June 1850.
153. HAMILTON SPECTATOR, 12 June 1850.
154. IBID.
155. IBID.
156. IBID.
157. IBID.
158. IBID.
159. IBID.

MONDAY, 10 JUNE 1850.

(53)

Petitions  
brought up.

THE following Petitions were severally brought up, and laid on the table:--

By Mr. Malloch,--The Petition of Joseph Allen and others, of the Township of Osgoode, District of Dalhousie.

By Mr. Lacoste,--The Petition of Louis Marchand, Esquire, and others, of St. Johns.

By Mr. Davignon,--The Petition of M. J. Arcand and others, of the Parish of St. Athanase, County of Rouville; and the Petition of the Reverend J. Gravel and others, of the Parish of St. Athanase, County of Rouville.

By Mr. Christie,--The Petition of Horatio LeBoutillier and others, Merchants, Fishermen, Tradesmen and Landholders, of the District of Gaspé.

By Mr. Thompson,--The Petition of the Municipality of the Township of Oneida.

By the Honorable Mr. Fapineau,--The Petition of Césaire Germain and others, of the County of Terrebonne.

By Mr. McFarland,--The Petition of George Rowe, Esquire, and others, of the Township of Stamford; and the Petition of John McMicking, Esquire, and others, of the village and neighbourhood of Stamford, County of Welland.

By Mr. Marquis,--The Petition of L. A. Desrochers and others, members of the Temperance Society of the Parish of St. Paschal.

By Mr. Fergusson,--The Petition of the Municipality of the Township of Puslinch.

By the Honorable Mr. Hincks,--The Petition of Mrs. Charlotte Sherwood and other Catholic Ladies of the City of Toronto.

By Mr. Scott of Two Mountains,--The Petition of F. E. Globensky, Mayor, and others, Municipal Councillors of the village of St. Eustache, County of Two Mountains.

Message from  
the Council.

A Message from the Legislative Council, by John Fenning's Taylor, Esquire, one of the Masters in Chancery:--

Multiplication  
of Law Suits,  
&c., Preven-  
tion Bill.

Mr. Speaker,

The Legislative Council have passed the Bill, intituled, "An Act to amend an Act passed in the fifth year of the Reign of His late Majesty King William the Fourth, intituled, "An Act to prevent the unnecessary multiplication of Law Suits, and increase of costs in actions on Notes, Bonds, Bills of Exchange, and other instruments," with an Amendment; to which they desire the concurrence of this House.

And then he withdrew.

Petitions read.

Pursuant to the Order of the day, the following Petitions were read:--

Of the Municipality of the Township of Sullivan, County of Waterloo; praying that the funds accruing from the Clergy Reserve and Rectory Lands be appropriated to general Education and public improvements.

Of Benjamin Thurtell, Esquire, and others, of the County of Waterloo; praying for the passing of an Act to legalize a certain By-Law passed by the Municipal Council of the District of Wellington, and now in force in the said County, and to provide for the collection of the rates imposed by the said By-Law.

Of David Duff and others, of the Township of Oakville and its vicinity; praying certain amendments to the License Law, and the mode of granting Licenses, for the suppression of intemperance.

Of James Carrall, Chairman, on behalf of a meeting of the inhabitants of Woodstock, County of Oxford; praying that a Charter be granted to the Niagara and



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Detroit Rivers Railroad Company.

Of James Sleightholm, President, and others, the Directors and Stockholders of the Albion Road Company; praying that the Vaughan branch of the said Company may be incorporated as a separate Company, under the name of the Vaughan Road Company.

Of Seth Combs and others, Innkeepers, of the united Counties of Stormont, Dundas and Glengarry; praying for the passing of an Act to authorize them to collect all amounts whatever due to them for spirituous liquors.

Of John McWhinnie and others, of the Town of Woodstock and vicinity; praying that a Charter be granted to the Niagara and Detroit Rivers Railroad Company.

Of the Reverend F. Pilote, in behalf of the Corporation of the College of Ste. Anne La Pocatière; praying for increased aid in support of the said College.

Of the Reverend A.J. Whitten and others, the Minister, Church Wardens and members of the Church of England at Shefford, in Lower Canada; praying that the privilege of conferring Degrees in the Arts and in Divinity may be extended to Bishop's College, and the annual grant to the said College so increased as to place it upon an equal footing with similar institutions throughout the Province.

Of E.B. Gilbert and others, Trustees of Knox's Church, Toronto; praying for the passing of an Act authorizing them to raise a loan upon the said Church.

Of William Hutton and others, of the County of Hastings; praying the repeal of the Law of Prescription for twenty years possession, in so far as regards side lines.

Of B.G. French and others, of the County of Stormont; praying for certain alterations in the Division Courts; for the abolition of the Court of Chancery, and that an equity jurisdiction be given to the Court of Queen's Bench in lieu thereof; and for the abolition of the Court of Common Pleas.

Of the Municipality of the united Townships of Medonte, Ting, Tay, North Orillia and Matchadash; praying for certain amendments to the Municipal Corporations Act.

Of the Municipality of the united Townships of Medonte, Ting, Tay, North Orillia and Matchadash; praying for retrenchment in the Public Expenditure of the Province.

Of Absalom Shade, Esquire, and others, of the Town of Galt; praying that the application to renew the Charter of the Niagara and Detroit Rivers Railroad Company be not granted.

Of the Reverend Adam Townley, Clergyman, and others, Wardens of the Church of England, of the Township of Dunn; praying that a Petition from the said Township for certain rights and privileges in connection with the said Church, be not granted.

Of William Lyon Mackenzie, Esquire, executor under the last will of the late Robert Randal; praying for an Address to His Excellency the Governor General for copies of certain documents relating to the estate of the said late Robert Randal.

Of William Lyon Mackenzie, Esquire, executor and Isaac H. Culp, a legatee of the estate of the late Robert Randal, of Humberstone, County of Lincoln, Esquire; praying that a certain amount due to the estate of the late Robert Randal, Esquire, may be paid to the executor thereof, for the purposes thereof.

Of the Reverend Thomas Destroismaisons and others, of the Parish of St. Germain de Rimouski; praying that certain measures be adopted for the suppression of intemperance.

Of the Reverend Joseph Scott and others, Minister, Church Wardens and members of the Church of England at Dunham, in Lower Canada; praying that the privilege of conferring Degrees in the Arts and in Divinity may be extended to Bishop's College, and the annual grant to the said College so increased as to place it upon an equal footing with similar institutions throughout the Province.

Of Pierre A.C. Munro, M.D., President of the School of Medicine and Surgery of Montreal; praying for the usual aid in support of the said School.

Of the Reverend George Mackie, D.D., and others, the Committee of management



of the National Schools at Quebec; praying for increased aid in support of the said Institution.

Of C.R. Vaughan, of the Township of Stanbridge, Esquire; representing a certain loss sustained by him in consequence of convicting, in his character of Justice of the Peace, one John Watson for selling Liquors without License, and praying relief.

Of the Town Council of London; praying that certain powers be granted them for the conveyance of certain excess of land on the streets of the said Town.

Petition of the  
Mun: Coun: of  
Niagara; Of E.B.  
Gilbert and others;  
Of B. Thurtell and  
others; Of the  
Atlantic Railroad  
Company; Of J. Mc-  
Murrich and  
others, referred.

Ordered, That the Petition of the Municipal Council of the District of Niagara; the Petition of E.B. Gilbert and others, Trustees of Knox's Church, Toronto; the Petition of Benjamin Thurtell and others, of the County of Waterloo; the Petition of the St. Lawrence and Atlantic Railroad Company; and the Petition of John McMurrich and others, be referred to the Standing Committee on Standing Orders.

MR. MCFARLAND<sup>1</sup> moved for the reference of a Petition from some person in the Niagara District, praying for indemnification for a house that was burned during the rebellion of 1837.<sup>2</sup>

COL. PRINCE opposed the reference, as the claim had already been rejected by the Commissioners, and by the Government, to whom the claimant appealed from the Commissioners, as it was not one that came within the meaning of the Act.<sup>3</sup>

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Petition of  
R. Doan.

Mr. McFarland moved, seconded by Mr. Smith of Wentworth, and the Question being put, That the Petition of Robert Doan, of the Township of Crowland, be referred to a Select Committee, composed of Mr. Thompson, Mr. Smith of Wentworth, Mr. Morrison, the Honorable Mr. Robinson, and the mover, to examine the contents thereof, and to report thereon with all convenient speed; with power to send for persons, papers and records; the House divided:--And it passed in the Negative.

Deceased  
Persons Es-  
tates Bill.

Ordered, That the Honorable Mr. Cameron of Cornwall have leave to bring in a Bill to amend the Law relating to the administration of the Estates of deceased persons.

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time, on Monday next.

Medical Pro-  
fession  
(U.C.) Bill.

Ordered, That the Honorable Mr. Cameron of Cornwall have leave to bring in a Bill to incorporate the Members of the Medical Profession in Upper Canada, and to regulate the practice of Physic and Surgery therein.

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time, Monday next.

Trade  
Returns.

The Honorable Mr. Hincks, one of Her Majesty's Executive Council, presented, by command of His Excellency the Governor General,--Trade Returns for the year 1849.

Appendix (A.)

For the said Returns, see Appendix (A.)

Building  
Societies  
(U.C.) Bill.

Ordered, That Mr. Bell have leave to bring in a Bill to amend the Act to encourage the establishment of certain Societies, commonly called Building Societies, in that part of the Province of Canada formerly cons-

*tituting Upper Canada.*

*He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time, on Friday next.*

(55)

Niagara and  
Detroit Rivers  
Railroad Bill  
(No. 1.)

*Ordered, That Mr. McFarland have leave to bring in a Bill to incorporate certain persons under the name and style of the Niagara and Detroit Rivers Railroad Company.*

*He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time, on Monday next.*

*On motion of the Honorable Mr. Cameron of Cornwall, seconded by the Honorable Mr. Cayley,*

Multiplication  
of Law Suits,  
&c., Preven-  
tion Bill.

*Ordered, That the Amendment made by the Legislative Council to the Bill, intituled, "An Act to amend an Act passed in the fifth year of the Reign of His late Majesty King William the Fourth, intituled, "An Act to prevent the unnecessary multiplication of Law Suits, and in-*

*crease of costs in actions on Notes, Bonds, Bills of Exchange, and other instruments," be now taken into consideration.*

*The House proceeded accordingly to take the said Amendment into consideration; and the same was read, as followeth:--*

*Press 1, line 16. After "as" leave out "restricts" and insert "prevents."*

*The said Amendment, being read a second time, was agreed to.*

*Ordered, That the Honorable Mr. Cameron of Cornwall do carry back the Bill to the Legislative Council, and acquaint their Honors, that this House hath agreed to their Amendment.*

MR. J. CAMERON<sup>4</sup> of Cornwall moved the third reading of the Bill to render a written memorandum necessary in certain engagements.<sup>5</sup>

MR. NOTMAN said the Bill went to effect an important alteration in the law as it at present stands, as it provides that no promise is to be binding when debts are six years old, unless the acknowledgment of the debt is produced in writing, and signed by the party. The effect of which would be to destroy the recovery of debts after the expiration of six years. Upon the debtor promising to pay, it was proper to grant him further indulgence; but if the acknowledgment was only to be made by written instalment, fraud and dishonesty would be encouraged, and when six years had gone by, the creditor would be placed at the mercy of the debtor. He (Mr. N.) preferred that the law should remain as it is, notwithstanding the precedents that could be adduced of English law; as the effect of the proposed alteration would be, that parties would keep off till the six years had expired, and then they would deny it altogether. He hoped the learned member would postpone the further consideration of the Bill till a future occasion, and thus afford members time to reflect on the serious consequences that would ensue if the Bill were passed.<sup>6</sup>

MR. COM. CR. LANDS PRICE said no honest man will take advantage of the statute (sic) of limitation; but many dishonest creditors will lie by till all evidence of the debt has disappeared. The hon. member (Mr. Notman) states, that it would be a hardship if creditors were compelled to take the acknowledgement of the debtor; and that the effect of the Bill would be the defrauding of creditors. But what was there to prevent the creditor from commencing an action within six years, if the debtor would not give a written acknowledgement of the debt. The passing of the Bill would prevent perjury and false swearing as to verbal acknowledgements



of debt. If on the other hand, a debtor after five years and eleven months had elapsed, refused to give a written memorandum that he meant to pay, he was not entitled to further indulgence. If the law were a good one, then there must be a time when a debt should be paid; and if six years were allowed, and a party were unable to liquidate a claim against him, there was no hardship in requiring from him a written agreement. As to postponing the third reading of the Bill, that was unnecessary; they all understood the principle, and the hon. member had given no reason why it should be deferred. He hoped his learned friend (Mr. Cameron) would press the third reading.<sup>7</sup>

MR. J. CAMERON replied, that the objection now made should have been urged when the Bill had its second reading; at which time it was passed by a large majority. Independent of these which had been urged by the Commissioner of Crown Lands, there were other reasons why the Bill should pass. The statute of limitation exists with reference to other contracts in which written acknowledgements are required. He need only mention one case which occurred not long ago, and which was well known to many present, where a debt contracted in 1782--upwards of ninety years since, had been sued for and recovered, upon evidence of verbal promise, when it was not believed that any such promise had been made. If a creditor allowed his debtor six years, during which to pay his bill, he should not be met by the other saying he ought to have commenced his action sooner.<sup>8</sup>

MR. AT. GEN. BALDWIN spoke with reference to some technicalities of the Bill, with regard to parties selling leased property under false representations, and who were liable to an action, unless where they were not aware that such representations were not founded on fact, and where they had been misled themselves. With reference to the operation of the Bill at present under consideration, he trusted his learned friend would not press the third reading, for although he was not prepared to say he would vote against it; yet he should like to have further time before he made up his mind. He was satisfied there would be less fraud under the operation of the Bill than there is at present; and parties would make acknowledgements of debts under its enactments with more deliberation, and with a perfect understanding by all parties.<sup>9</sup>

MR. J. CAMERON said he should not persist in making the first of January next, the period at which the law was to come into operation; and as he saw no reason for throwing away any more time in discussing the Bill on a future day, with the consent of the House he would alter the time to the 1st of January, 1852<sup>10</sup>.

The Bill was read as amended<sup>11</sup>.

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Bill relating to certain Pro-mises and Engagements.

*The engrossed Bill for rendering a written memorandum necessary to the validity of certain promises and engagements, was, according to Order, read the third time.*

Resolved, That the Bill do pass.

Ordered, That the Honorable Mr. Cameron of Cornwall do carry the Bill to the Legislative Council, and desire their concurrence.

Hamilton Gas Light Bill.

*Mr. Laurin reported the Bill to incorporate the City of Hamilton Gas Light Company;<sup>12</sup>*

SIR A. MACNAB moved a reception of the report of Committee of the whole on the Hamilton Gas Company Bill. He explained that it was an exact copy of the Montreal Gas<sup>13</sup> Light Company<sup>14</sup> Bill, except that it did not allow the<sup>15</sup> City Council the right of taking it into its hands.<sup>16</sup>

MR. INSP. GEN. HINCKS objected that Sir Allan had said on a previous day that



the Bill was an exact copy of that of Montreal, and now said that it differed from that measure in one particular.<sup>17</sup>

SIR A. MACNAB consented to the alteration, making the Bill an exact copy of the Montreal Bill.<sup>18</sup>

(55)

and the amendments were read, and agreed to.

Ordered, That the Bill, with the amendments, be engrossed; and read the third time on Wednesday next.

Notarial Profession Organization Bill.

The Order of the day for the second reading of the Bill to amend and consolidate the Act providing for the organization of the Notarial Profession in Lower Canada, being read;

Ordered, That the Bill be read a second time, to-morrow.

Bill relating to Law Proceedings (U.C.)

The Order of the day for the second reading of the Bill to amend the Law, simplify the practice, and reduce the expense of legal proceedings in Upper Canada, being read;

Ordered, That the Bill be read a second time, on Wednesday next.

Actions of Dower Bill.

The Order of the day for the second reading of the Bill to alter the practice of the law in Actions of Dower in Upper Canada, being read;

Ordered, That the Bill be read a second time, on Wednesday next.

Actions of Ejectment Bill.

The Order of the day for the second reading of the Bill to alter and amend the practice and proceedings in Actions of Ejectment in Upper Canada, being read;

Ordered, That the Bill be read a second time, on Wednesday next.

Joint Stock Companies Bill.

The Order of the day for the second reading of the engrossed Bill from the Legislative Council, intituled, "An Act to provide for the formation of incorporated Joint Stock Companies for manufacturing, mining, mechanical, or chemical purposes," being read;<sup>19</sup>

MR. HOLMES moved for the second reading of a bill to provide for the formation of companies for manufacturing and other purposes.<sup>20</sup>

MR. AT. GEN. BALDWIN said it was very desirable to facilitate the incorporation of companies such as were contemplated in this Bill, but care should be taken that injuries were not done to individuals, by relieving parties of a proper responsibility for debts that might be incurred.<sup>21</sup> ((He)) opposed the motion, and would vote against its going into committee.<sup>22</sup>

MR. M. CAMERON of Kent was opposed to the bill, the object of which was to incorporate persons exercising different trades, and persons of small means, by which the interests of individuals engaged in similar pursuits were injured, and debts incurred which the parties were not liable for beyond the amount paid in.<sup>23</sup> The Bill ... ((was)) apparently liberal but really dangerous in principle<sup>24</sup>. It had better be discussed in committee of the whole. He would vote for its second reading.<sup>25</sup>

MR. HOLMES spoke in favor of the bill. He said that it contained nothing new in principle and that the effect of similar bills had been to develope (sic) the resources of the countries where they had been law.<sup>26</sup> ((He)) cited several cases to show that Bills had been passed in the United States limiting the liability of the shareholders.<sup>27</sup> He contended that if passed it would produce a beneficial

effect.<sup>28</sup> Mr. Holmes said, the present was not a new bill; and if one or two additional changes were required for the protection of the public, they could be added when it was taken up in committee. A bill of a similar nature was before the Legislative Council, to which there was no objection made.<sup>29</sup>

MR. RICHARDS said a few words in support of the bill.<sup>30</sup>

MR. INSP. GEN. HINCKS said, the hon. member who had introduced the bill, had not stated what were its principles; nor could he (Mr. H.) concur with him that last year there was no objection made to the measure. A proper degree of responsibility, he said, ought to be secured, and small capitalists should not be allowed to come into the Province, and enter into the Province, and enter into competition with mechanics; when, at the same time they are not responsible under the act of incorporation, for the payment of their debts, when individuals with whom they entered into competition were exempt.<sup>31</sup> ((He)) would not have much objection if the<sup>32</sup> managing partners<sup>33</sup> were responsible<sup>34</sup> for the debts of the Company.<sup>35</sup> He knew that such acts were in operation in the State of New York but had not had opportunities of finding out how they worked.<sup>36</sup>

MR. AT. GEN. BALDWIN said the discussion in committee was too discursive, and should not take place on a bill, except as to its details. The debate which had taken place in this instance on the second reading was more accidental than otherwise. There might be an undertaking if the Bill was referred to a committee, by which the discussion might be limited.<sup>37</sup>

MR. W. BOULTON (Toronto) supported the motion. He instanced the case of the Quebec forwarding company to illustrate the necessity of a measure of this kind. At present any number of persons could start up and call themselves a company, as the Quebec Forwarding Company did last year and broke down, swindling the public. If this bill had been in operation they would have had to paid (sic) up a certain amount of capital and the public could not have lost to the same extent.<sup>38</sup>

MR. CARTIER was in favor of the principle of limited liability.<sup>39</sup> ((He)) thought that in a new country,<sup>40</sup> like ours<sup>41</sup>, where there is not a super-abundance of capital, it is desirable to encourage companies, for the purpose of manufacturing in the manner proposed.<sup>42</sup> Suppose an advantageous project were started, for which £50,000 were required, and if one person could not be found with so large a sum, but fifty might, and would be willing to subscribe if they were only to be liable for the amount subscribed.<sup>43</sup> The public, by the Bill of Corporation, would know what was the amount of Capital, and also under its provisions they would be informed as to the sums that had been paid in, and would thus become acquainted with the stability of the company. Perhaps it were not so necessary to adopt this practice in old and wealthy countries; but here, where business must be done on a limited scale, he was willing to adopt the principle contemplated by the Bill.<sup>44</sup> He thought that offered the public far better security than it had from any private partnership whose capital the public has no means of ascertaining.<sup>45</sup>

MR. COM. CR. LANDS PRICE had always, been opposed to the principle of the bill and did not know how he allowed it to go to a second reading without opposition.<sup>46</sup> It ought to go to a Committee, and be there discussed; and when it came under consideration again, unless his opinion had changed, he should give it his determined opposition.<sup>47</sup> He argued that this kind of companies (sic) were protected in a manner the private trader was not, and to his injury.<sup>48</sup> After the incorporation of the Sherbrooke cotton factory company, the Legislature went on establishing these corporations all over the country which he looked upon as a curse.<sup>49</sup>

MR. J. CAMERON (Cornwall) would also give the bill his determined opposition. We understood him to object to the principle of limited liability.<sup>50</sup> He thought the Legislature had already gone sufficiently far, and should oppose the measure proposed.<sup>51</sup>



MR. W. BOULTON of Toronto, said the learned member did not understand the object of the Bill.<sup>52</sup> The object of the bill was not to exonerate partners from liabilities; but to provide that with a certain amount of capital they might carry on any business, as a corporation.<sup>53</sup> The establishment of manufactures required corresponding capital to carry them on.<sup>54</sup> He instanced the case of Massachusetts, to illustrate the great public advantages of manufacturing companies;<sup>55</sup> it had been mainly instrumental in developing the resources of that State.<sup>56</sup> In Massachusetts, more money was required than in any two of the other States, and the establishment of these manufactories have relieved the community greatly of the burthen of taxation. It was disgraceful that in Upper Canada there is not a single<sup>57</sup> cotton<sup>58</sup> manufactory, nor could five men be found with sufficient capital one of whom would agree to make his property liable for the amount of debts that might be incurred<sup>59</sup> and ... there is no law for the formation of companies.<sup>60</sup> In Lower Canada, he said, the establishment of manufactories had been attended with beneficial results.<sup>61</sup> The member for Cornwall should have waited till the bill was in Committee, and proposed an amendment making the companies liable for the full amount of their debts. He should vote for a most stringent clause for protecting the public against loss.<sup>62</sup>

MR. H. SHERWOOD of Toronto said, although there was a want of capital, yet there was a principle contained in the Bills, against which he should always contend; by which the responsibility of persons would be confined to the amount they had subscribed. The active managers of a concern should be held liable for its liabilities; and the reason for this is that when wealthy men are found calling (sic) to pledge all they have in the world to promote an enterprise, others will be induced to contribute towards its advancement. In the Bill then before the House, this company is a sort of limited co-partnership, like a Bank. He did not mean to say he would vote against the Bill if it were not altered in the manner proposed, but the question should be decided at that time.<sup>63</sup>

MR. BADGLEY would vote for the second reading. He argued that the principle of corporation was good; and that the principle of limited liability had been adopted last Session<sup>64</sup> and the House could not now consistently go against it.<sup>65</sup> If more stringent clauses were necessary they might be added in committee.<sup>66</sup>

MR. COM. PUB. WORKS MERRITT asked if the Bill was the same as was before the House last year; if it was he would give it his hearty support.<sup>67</sup> He went on to show that laws of the kind desired had been of the very greatest use in developing the manufacturing resources of the United States. He did not think that there was much weight in the objections urged against the bill; and that the public were sufficiently able to look after themselves.<sup>68</sup> What an absurd objection was it to urge that a few persons without capital would combine to defraud the rest of the community.<sup>69</sup> He wished some one to show him that the companies in Massachusetts had cheated the public.<sup>70</sup> What had been the result of the adoption of a measure similar to that proposed by this Bill, by which, instruments combine and risk to the amount subscribed for, and no more.--Instead of turning paupers, by thus concentrating capital, they were enabled to buy cheap and sell to advantage, because they could afford to give credit. He wished hon. gentlemen to say in what instance had parties so circumstanced defrauded the community, who know what they were worth, and act accordingly. Here the people were still going as formerly. Eight years ago, he (Mr. M.) brought in a similar Bill, and gentlemen who then voted against him, now regretted the mistaken view they took of the subject at the time. In the neighboring States, men embark their capital in this way, and see the country around them advance, step by step, in wealth and improvement.<sup>71</sup> He attributed the want of manufactories in this country, to the fact that no one will risk the whole of his fortune.<sup>72</sup> He concluded by saying the Bill should have his cordial support.<sup>73</sup>

The further consideration of the Bill was then postponed to Wednesday week, with the understanding that it should go to Committee, with the understanding proposed by MR. AT. GEN. BALDWIN, that the discussion should be brief.<sup>74</sup>



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The Bill was accordingly read a second time; and committed to a Committee of the whole House, for Wednesday, the nineteenth instant.

Cullers' Bill.

The Order of the day for the second reading of the Bill to amend the Act passed in the eighth year of Her Majesty's Reign, chapter forty-nine, intituled, "An Act to regulate the culling and measurement of Timber, Masts, Spars, Deals, Staves, and other articles of a like nature, and to repeal a certain Act therein mentioned," being read;

Ordered, That the Bill be read a second time, on Wednesday next.

Usury Law  
Bill.

The Order of the day for the second reading of the Bill to alter the Law of Usury, being read;

Ordered, That the Bill be read a second time, on Thursday next.

Wesleyan  
Methodists  
Relief Bill.

The Order of the day for the second reading of the Bill to relieve Ministers of the Wesleyan Methodist Church in Canada from the obligation to obtain Special Licenses in order to keep Registers of Baptisms, Marriages, and

Burials in Lower Canada, being read;

Ordered, That the Bill be read a second time, on Wednesday next.

Real Property  
Registration  
Bill.

The Order of the day for the second reading of the Bill to amend the Ordinance which provides for the Registration of Titles to and Incumbrances on Real Property, being read;

Ordered, That the Bill be read a second time, on Wednesday next.

Road Laws  
(L.C.) Re-  
print Bill.

The Order of the day for the second reading of the Bill to provide for the reprinting of the Acts and Ordinances in force in Lower Canada relative to Highways and Bridges, and for other purposes, being read;

DR. LATERRIERE moved for the second reading of the bill for reprinting the Laws relating to highways and bridges in Lower Canada.<sup>75</sup>

MR. SOL. GEN. DRUMMOND said that it would cause the province an enormous and useless expense and hoped the hon. member would withdraw his motion.<sup>76</sup>

(55)

Ordered, That the Bill be read a second time, on Tuesday, the twenty-fifth instant.

Shipping of  
Seamen Bill.

The Order of the day for the second reading of the Bill to repeal the Act for regulating the shipping of Seamen, and for other purposes therein mentioned, being

read;

Ordered, That the Bill be read a second time, on Wednesday next.

Bill relating to  
British Planta-  
tion Vessels.

The Order of the day for the second reading of the Bill to amend an Act to secure the right of property in British Plantation Vessels navigating the inland waters of this Province, and not registered under the Act of

the Imperial Parliament of the United Kingdom passed in the third and fourth years of the Reign of His late Majesty King William the Fourth, intituled, "An Act for the registering of British Vessels, and to facilitate transfers of the ~~same~~, and to prevent the fraudulent assignment of any property in such vessels," being read;

Ordered, That the Bill be read a second time, on Wednesday next.

Bill to restrain

The Order of the day for the second reading of the

technical ob-  
jections in  
Law Suits.

*Bill to restrain technical objections in Suits at Common Law, being read;*

*Ordered, That the Bill be read a second time, on Wednesday next.*

Municipal Law  
(L.C.) Bill.

*The Order of the day for the second reading of the Bill to amend the Municipal Law of Lower Canada, being read;*

(56)

*Ordered, That the Bill be read a second time, on Wednesday next.*

Bill relating  
to Foreign  
Judgments.

*The Order of the day for the second reading of the Bill to facilitate the admission in Evidence of Foreign Judgments, and certain official and other documents, being read;*

*Ordered, That the Bill be read a second time, on Wednesday next.*

Law of  
Evidence  
(L.C.) Bill.

*The Order of the day for the second reading of the Bill to improve the Law of Evidence in Lower Canada, being read;*

*Ordered, That the Bill be read a second time, on Wednesday next.*

Chambly  
Turnpike  
Road Bill.

*The Order of the day for the House in Committee on the Bill to amend the Ordinance relating to the Longueuil and Chambly Turnpike Road, being read;*<sup>77</sup>

DR. DAVIGNON ((moved)) the House ... into committee of the whole to amend the Ordinance relating to the Longueuil and Chambly Turnpike road.<sup>78</sup>

(56)

*The House accordingly resolved itself into the said Committee.*

*Mr. Malloch took the Chair of the Committee;*

DR. DAVIGNON explained the nature of the amendment he desired, was that the tolls should be paid one half on passing and the other half on repassing; and that all the gates should be passed on the payment of the toll at one gate<sup>79</sup> which he said would afford great satisfaction to the people living in the vicinity of that road.<sup>80</sup>

MR. INSP. GEN. HINCKS had not previously paid attention to the act; but he had understood that the principle of it was to make parties pay every time they pass through, and not as at present, a certain amount to cover so many hours. The principle had been adopted in Upper Canada of requiring payment for every time parties pass through; the principle worked well and he thought it objectionable that different principle (sic) should obtain in the two sections of the Province, when the public revenue was affected.<sup>81</sup> He thought it would be better for the hon. gentleman to move that the Committee rise and report progress, in order to give members an opportunity of examining it.<sup>82</sup>

MR. PAPINEAU was altogether opposed to the bill and thought it the best thing that the chairman should leave the chair and make no report at all.<sup>83</sup>

DR. DAVIGNON contended that his bill would increase the revenue of the road.<sup>84</sup>

MR. H. SHERWOOD (Toronto) said the principle adopted in Upper Canada in the collection of tolls was popular; and he desired to know how it was that the government had permitted a measure to be introduced that must have the effect of diminishing the tolls.<sup>85</sup>

MR. INSP. GEN. HINCKS admitted that there was a great deal of force in the remarks of the member for Toronto. The works were in one sense government roads

and in another sense they were not, as being entirely free from the control of the government. They were established by ordinances of Lower Canada; and the public revenue was responsible for the interest of the money.<sup>86</sup> The proper way to do ((it)) would be to repeal sections of the Ordinance and authorize the Commissioners to levy the customary tolls allowed by law; which would place the road in question in the same position as those of Upper Canada.<sup>87</sup>

((There was)) some further discussion<sup>88</sup>.

(56)

and after some time spent therein,

Mr. Speaker resumed the Chair;

And Mr. Malloch reported, That the Committee had made some progress, and directed him to move for leave to sit again.

Ordered, That the Committee have leave to sit again on Wednesday next.

Champlain and  
St. Lawrence  
Railroad Bill.

The Order of the day for the second reading of the Bill to authorize the Company of Proprietors of the Champlain and St. Lawrence Railroad to extend the said Road, and for other purposes, being read;

Ordered, That the Bill be read a second time, on Wednesday next.

Bill relating  
to Protests  
(U.C.)

The Order of the day for the second reading of the Bill to limit the sum to be allowed for the expenses of noting and protesting Bills and Notes, in certain cases, under the Act to regulate the damages on Protested Bills

of Exchange in Upper Canada, being read;

The Bill was accordingly read a second time; and referred to a Select Committee, composed of the Honorable Mr. Sherwood, Mr. Holmes, Mr. Seymour, Mr. Stevenson, the Honorable Mr. Cameron of Kent, Mr. Sauvageau, and Mr. Smith of Frontenac, to report thereon with all convenient speed; with power to send for persons, papers, and records.

Edwardsburgh  
Side Lines Bill.

The Order of the day for the second reading of the Bill to determine the mode in which the side lines in certain concessions in the Township of Edwardsburgh shall be

run, being read;

Ordered, That the Bill be read a second time, on Monday next.

Montreal  
School of  
Medicine Bill.

The Order of the day for the second reading of the Bill to amend the Act incorporating the Montreal School of Medicine and Surgery, being read;<sup>89</sup>

DR. DAVIGNON moved for the second reading of the bill to amend the act incorporating the Montreal School of Medicine.<sup>90</sup> ((He)) said, that at present there was a school of medicine in Montreal which has the power of granting degrees, but the lectures are given in English, and as the French Canadians were anxious to hear medical lectures delivered in a language they could understand, he introduced this bill in order to enable the French Medical School to grant degrees also.<sup>91</sup> He stated that it was composed of gentlemen well known to the public, and the profession. He asked for it the right of granting certificates that should entitle the holder to claim a license from the Provincial Medical Board without further examination.<sup>92</sup>

DR. LATERRIERE said a few words but could not be heard in consequence of noise in the house.<sup>93</sup>

DR. BOUTHILLIER was also inaudible.<sup>94</sup>



MR. BADGLEY opposed the bill not with any disposition to do away or interfere with the instruction given to students in the school in question; but he objected to the bill because<sup>95</sup> the effect would be to destroy the other Medical College entirely.<sup>96</sup>

A question ... ((was)) raised as to whether the bill was a private one, and whether the £20 paid on private bills should be paid in this case.<sup>97</sup>

MR. INSP. GEN. HINCKS contended that the payment of £20 should be waived in this case, as the bill in question could scarcely be considered a private bill.<sup>98</sup>

MR. MORIN the SPEAKER said it was a private bills (sic) in one sense, but not in the sense that required the £20 to be paid.<sup>99</sup>

MR. INSP. GEN. HINCKS said he differed from the member for Hamilton who said this bill was not for the benefit of all the people, but only a portion of them: he (Mr. Hincks) thought the school was for the benefit of the whole of Lower Canada; where those who spoke the French language could go and enjoying (sic) facilities they could not enjoy elsewhere.<sup>100</sup>

MR. BADGLEY repeated his objections<sup>101</sup> ((and)) urged that it would be better to throw out the bill altogether. He argued that the school in question was a mere local school; and that the schoolmasters should not have the right of granting a certificate to entitle the holders to obtain a license from the Provincial Medical Board.<sup>102</sup> There ought to be but one body in the Province who should have the power to grant licenses to practice.<sup>103</sup> If the clause which enacted this were struck out he would have no objection to the remainder.<sup>104</sup> He objected altogether to proceeding any further with the bill in its ought (sic) present shape.<sup>105</sup>

MR. W. BOULTON (Toronto) said he introduced an amendment to the Humber harbour incorporation act, for which he paid £20. He looked upon this bill as being precisely of the same nature and thought the £20 ((ought)) to be paid.<sup>106</sup>

MR. SANBORN said all educational institutions from their very nature were public.<sup>107</sup>

SIR A. MACNAB thought the Speaker had no discretion in the matter. The bill was a private one.<sup>108</sup>

MR. PAPINEAU argued that the bill was a public one.<sup>109</sup>

It was then decided that the £20 should be dispensed with.<sup>110</sup>

DR. DAVIGNON stated that if there were anything objectionable in the bill it could be altered in committee.<sup>111</sup>

The bill was then read a second time, on the understanding that if it contained any thing objectionable it would be altered in committee.<sup>112</sup>

(56)

*Ordered, That the seventy-first Rule of this House requiring that a sum not less than Twenty pounds be deposited in the hands of the Clerk of this House, be suspended as regards the said Bill.*

*The Bill was then read a second time; and referred to a Select Committee, composed of Mr. Davignon, the Honorable Mr. Badgley, the Honorable Mr. LaTerrière, Mr. Taché, Mr. Holmes, Mr. Fortier, and Mr. Bouthillier, to report thereon with all convenient speed; with power to send for persons, papers, and records.*

Kingston Fire  
and Marine  
Insurance Bill.

*The Order of the day for the second reading of the  
Bill to incorporate the Kingston Fire and Marine Insurance  
Company, being read;*

*Ordered, That the Bill be read a second time, on Wednesday next.*

Bill relating  
to Shipmasters  
and Pilots.

The Order of the day for the second reading of the Bill to repeal certain provisions of an Act passed in the last Session of the Provincial Parliament, and intituled, "An Act to consolidate the Laws relative to the powers and duties of the Trinity House of Quebec, and for other purposes," and to exempt Masters of Vessels belonging to the District of Quebec from taking Pilots in certain cases, being read;

The Bill was accordingly read a second time; and referred to a Select Committee, composed of Mr. Lemieux, the Honorable Mr. LaTerrière, Mr. Ross, Mr. Cauchon, and Mr. Méthot, to report thereon with all convenient speed; with power to send for persons, papers and records.

Biddings at  
Sheriffs' Sales  
(L.C.) Bill.

The Order of the day for the second reading of the Bill to guarantee Biddings at Sheriffs' Sales in Lower Canada, being read;

The Bill was accordingly read a second time; and referred to a Select Committee, composed of Mr. Laurin, Mr. Guy, Mr. Gauthier, Mr. Fournier, and Mr. Christie, to report thereon with all convenient speed; with power to send for persons, papers, and records.

Silverthorns'  
Dam Bill.

The Order of the day for the second reading of the Bill to authorize Aaron Silverthorn and Newman Silverthorn, their heirs or assigns, to build a Dam across the River

Thames, being read;

The Bill was accordingly read a second time; and referred to the Standing Committee on Miscellaneous Private Bills.

Bankrupts  
Relief Bill.

The Order of the day for the second reading of the Bill to afford relief to Bankrupts in certain cases, being read;

Ordered, That the Bill be read a second time, on Wednesday next.

Promissory Notes  
and Bills of  
Exchange Bill.

The Order of the day for the second reading of the Bill to amend and explain the Acts therein mentioned relative to Promissory Notes and Bills of Exchange, being read;

Ordered, That the Bill be read a second time, on Wednesday next.

Great Western  
Railroad Stock  
Bill.

The Order of the day for the second reading of the Bill to empower Municipal and other Corporations to subscribe for Stock of the Great Western Railroad Company, or otherwise to aid in completing that undertaking, being

read;

The Bill was accordingly read a second time; and referred to the Standing Committee on Railroads and Telegraph Lines.

Huntingdon  
Registry Bill.

The Order of the day for the second reading of the Bill to divide the County of Huntingdon into two Districts for the registration of deeds, being read;

Ordered, That the Bill be read a second time, on Wednesday next.

Married Women's  
Protection Bill.

The Order of the day for the second reading of the Bill to provide for the protection of married Women in the enjoyment of their own properties, being read;

Ordered, That the Bill be read a second time, on Thursday next.

Slander and  
Libel Law Bill.

The Order of the day for the House in Committee on the Bill to amend the Law relating to Slander and Libel, being read;

*The House accordingly resolved itself into the said Committee.*

*Mr. Sauvageau took the Chair of the Committee; and after some time spent therein,*

*(57)*

*Mr. Speaker resumed the Chair;*

*And Mr. Sauvageau reported, That the Committee had gone through the Bill, and made amendments thereunto.*

*Ordered, That the Report be received on Wednesday next.*

*Then, on motion of the Honorable Mr. Hincks, seconded by Mr. Solicitor General Macdonald,*

*The House adjourned.*



APPENDIX: 10 JUNE 1850.

((QUESTION AND ANSWER RE: TAVERN LICENSES.))<sup>113</sup>

MR. RICHARDS inquired whether it was the intention of the Ministry to make any alteration in the mode of granting Licenses.<sup>114</sup>

MR. INSP. GEN. HINCKS replied, that the Government did intend to make a change, by conferring on the Municipalities, who now receive the funds derivable from Licenses--the whole management of them; but the Government was anxious to ascertain whether the Committee on Temperance now sitting, could suggest any ideas to them for their guidance.<sup>115</sup>

((WITHDRAWN MOTION RE: ADDRESS ON PRINTING EXPENSES.))<sup>116</sup>

MR. W. BOULTON, of Toronto, moved that an address be presented to his Excellency, for a return of the expense incurred by the several public departments for printing.<sup>117</sup>

MR. INSP. GEN. HINCKS suggested that the hon. member had better withdraw his motion and leave the matter in the hands of the committee on retrenchment<sup>118</sup> as the public printing would be among the other subjects inquired into. He did not understand this sort of interference.... Mr. Hincks ((promised)) that the public printing referred to, would engage the serious attention of government.<sup>119</sup>

MR. W. BOULTON withdrew his motion.<sup>120</sup>

FOOTNOTES: 10 JUNE 1850.

1. The following papers reported the exchange on this matter in identical accounts: HAMILTON SPECTATOR, 12 June 1850, PILOT, 15 June 1850, KENT ADVERTISER, 20 June 1850, BATHURST COURIER, 21 June 1850, and PACKET, 22 June 1850.
2. HAMILTON SPECTATOR, 12 June 1850.
3. IBID.
4. The following papers reported the debate on this matter in partially identical accounts: HAMILTON SPECTATOR, 12 June 1850, PILOT, 15 June 1850, KENT ADVERTISER, 20 June 1850, BATHURST COURIER, 21 June 1850, and PACKET, 22 June 1850. NORTH AMERICAN, 14 June 1850, and EXAMINER, 19 June 1850, noted the debate in identical accounts.
5. HAMILTON SPECTATOR, 12 June 1850.
6. IBID.
7. IBID.
8. IBID.
9. IBID.
10. IBID.
11. IBID.
12. The following papers reported the debate on this matter in identical accounts: NORTH AMERICAN, 14 June 1850, and EXAMINER, 19 June 1850. The debate was also reported by MONTREAL GAZETTE, 14 June 1850.
13. NORTH AMERICAN, 14 June 1850.
14. MONTREAL GAZETTE, 14 June 1850.
15. NORTH AMERICAN, 14 June 1850.
16. MONTREAL GAZETTE, 14 June 1850.
17. NORTH AMERICAN, 14 June 1850.
18. IBID.
19. The following papers reported the debate on this matter in identical accounts: NORTH AMERICAN, 14 June 1850, and EXAMINER, 19 June 1850. The following papers reported the debate in partially identical accounts: HAMILTON SPECTATOR, 12 June 1850, PILOT, 15 June 1850, and BATHURST COURIER, 15 June 1850. The debate was also reported by MONTREAL GAZETTE, 14 June 1850. MONTREAL TRANSCRIPT, 15 June 1850, noted it.
20. MONTREAL GAZETTE, 14 June 1850.
21. HAMILTON SPECTATOR, 12 June 1850.
22. MONTREAL GAZETTE, 14 June 1850.
23. HAMILTON SPECTATOR, 12 June 1850.
24. NORTH AMERICAN, 14 June 1850.
25. MONTREAL GAZETTE, 14 June 1850.
26. IBID.
27. NORTH AMERICAN, 14 June 1850.
28. MONTREAL GAZETTE, 14 June 1850.
29. HAMILTON SPECTATOR, 12 June 1850.
30. MONTREAL GAZETTE, 14 June 1850.
31. HAMILTON SPECTATOR, 12 June 1850.
32. MONTREAL GAZETTE, 14 June 1850.
33. NORTH AMERICAN, 14 June 1850.
34. MONTREAL GAZETTE, 14 June 1850.
35. NORTH AMERICAN, 14 June 1850.
36. MONTREAL GAZETTE, 14 June 1850.
37. HAMILTON SPECTATOR, 12 June 1850.
38. NORTH AMERICAN, 14 June 1850.
39. MONTREAL GAZETTE, 14 June 1850.
40. HAMILTON SPECTATOR, 12 June 1850.
41. MONTREAL GAZETTE, 14 June 1850.

42. HAMILTON SPECTATOR, 12 June 1850.
43. MONTREAL GAZETTE, 14 June 1850.
44. HAMILTON SPECTATOR, 12 June 1850.
45. NORTH AMERICAN, 14 June 1850.
46. MONTREAL GAZETTE, 14 June 1850.
47. HAMILTON SPECTATOR, 12 June 1850.
48. MONTREAL GAZETTE, 14 June 1850.
49. NORTH AMERICAN, 14 June 1850.
50. IBID.
51. HAMILTON SPECTATOR, 12 June 1850.
52. IBID.
53. MONTREAL GAZETTE, 14 June 1850.
54. HAMILTON SPECTATOR, 12 June 1850.
55. NORTH AMERICAN, 14 June 1850.
56. MONTREAL GAZETTE, 14 June 1850.
57. HAMILTON SPECTATOR, 12 June 1850.
58. NORTH AMERICAN, 14 June 1850.
59. HAMILTON SPECTATOR, 12 June 1850.
60. NORTH AMERICAN, 14 June 1850.
61. HAMILTON SPECTATOR, 12 June 1850.
62. NORTH AMERICAN, 14 June 1850.
63. HAMILTON SPECTATOR, 12 June 1850.
64. MONTREAL GAZETTE, 14 June 1850.
65. NORTH AMERICAN, 14 June 1850.
66. MONTREAL GAZETTE, 14 June 1850.
67. HAMILTON SPECTATOR, 12 June 1850.
68. MONTREAL GAZETTE, 14 June 1850.
69. HAMILTON SPECTATOR, 12 June 1850.
70. NORTH AMERICAN, 14 June 1850.
71. HAMILTON SPECTATOR, 12 June 1850.
72. NORTH AMERICAN, 14 June 1850.
73. HAMILTON SPECTATOR, 12 June 1850.
74. IBID.
75. MONTREAL GAZETTE, 14 June 1850.
76. IBID.
77. The following papers reported the debate on this matter in identical accounts: NORTH AMERICAN, 14 June 1850, EXAMINER, 19 June 1850; PILOT, 15 June 1850, and PACKET, 22 June 1850. The debate was also reported by MONTREAL GAZETTE, 14 June 1850.
78. MONTREAL GAZETTE, 14 June 1850.
79. IBID.
80. PILOT, 15 June 1850.
81. NORTH AMERICAN, 14 June 1850.
82. PILOT, 15 June 1850.
83. MONTREAL GAZETTE, 14 June 1850.
84. IBID.
85. NORTH AMERICAN, 14 June 1850.
86. IBID.
87. MONTREAL GAZETTE, 14 June 1850.
88. IBID.
89. The following papers reported the debate on this matter in identical accounts: NORTH AMERICAN, 14 June 1850, EXAMINER, 19 June 1850; PILOT, 15 June 1850, BATHURST COURIER, 21 June 1850, and PACKET, 22 June 1850. The debate was also reported by MONTREAL GAZETTE, 14 June 1850; and MONTREAL TRANSCRIPT, 15 June 1850.
90. MONTREAL GAZETTE, 14 June 1850.
91. PILOT, 15 June 1850.
92. MONTREAL GAZETTE, 14 June 1850.



93. IBID.
94. IBID.
95. MONTREAL TRANSCRIPT, 15 June 1850.
96. NORTH AMERICAN, 14 June 1850.
97. IBID.
98. MONTREAL GAZETTE, 14 June 1850.
99. NORTH AMERICAN, 14 June 1850.
100. IBID.
101. IBID.
102. MONTREAL GAZETTE, 14 June 1850.
103. NORTH AMERICAN, 14 June 1850.
104. MONTREAL GAZETTE, 14 June 1850.
105. NORTH AMERICAN, 14 June 1850.
106. IBID.
107. IBID.
108. IBID.
109. IBID.
110. IBID.
111. MONTREAL GAZETTE, 14 June 1850.
112. NORTH AMERICAN, 14 June 1850.
113. The following papers reported this question in identical accounts:  
HAMILTON SPECTATOR, 12 June 1850, PILOT, 15 June 1850, KENT ADVERTISER, 20  
June 1850, BATHURST COURIER, 21 June 1850, and PACKET, 22 June 1850. The  
question was also reported by MONTREAL GAZETTE, 14 June 1850.
114. HAMILTON SPECTATOR, 12 June 1850.
115. IBID.
116. The following papers reported this withdrawn motion in partially identical  
accounts: HAMILTON SPECTATOR, 12 June 1850, PILOT, 15 June 1850, KENT  
ADVERTISER, 20 June 1850, BATHURST COURIER, 21 June 1850, and PACKET, 22  
June 1850. The motion was also reported by MONTREAL GAZETTE, 14 June 1850.
117. HAMILTON SPECTATOR, 12 June 1850.
118. MONTREAL GAZETTE, 14 June 1850.
119. HAMILTON SPECTATOR, 12 June 1850.
120. IBID.

TUESDAY, 11 JUNE 1850.

(57)

Petitions  
brought up.

THE following Petitions were severally brought up, and laid on the table:--

By Mr. Bouthillier,--The Petition of the Reverend S. Turcot and others, of the Parish of St. Césaire; and the Petition of the Reverend Joseph Crevier and others, of the Parish of St. Pie.

By Mr. Taché,--The Petition of Louis Bertrand, Mayor of the Municipality No. one, of the County of Rimouski, in behalf of the said Municipality.

By the Honorable Mr. Cameron of Kent,--The Petition of the Municipality of the Township of Sarnia.

By Mr. Gugy,--The Petition of William Patton, of Quebec, Esquire, merchant; the Petition of the Reverend H. G. Burrage, Minister, and others, Wardens and members of the Church of England at Halley, and parts adjacent; and the Petition of the Reverend L. Doolittle, Minister, and others, Wardens and members of the Church of England at Lennoxville.

By Mr. Notman,--The Petition of A. McNaughton, Townreeve, and others, Councilors of the Municipality of Nassagaweya.

By the Honorable Mr. Merritt,--The Petition of the Town Council of St. Catharines; the Petition of the Municipality of the Township of Sandwich; the Petition of the Grand River Navigation Company; and the Petition of the Municipality of the Township of Clinton.

By Mr. Morrison,--The Petition of the Municipality of the Township of Thorold.

By Mr. Jobin,--The Petition of Mrs. M.A.F. Viger and other Ladies, the Directresses and Officers of the Montreal Catholic Orphan Asylum.

By the Honorable Mr. Bagley,--The Petition of Thomas Bedard, Notary, of the Village of L'Assomption, District of Montreal.

By Mr. Holmes,--The Petition of Louis Perrault and others, Depositors in the Montreal Provident and Savings Bank, and others interested therein.

By the Honorable Mr. Price,--The Petition of the Reverend H. Wilkes, A.M., and others, in behalf of the Congregation assembling in Zion Church, Montreal.

By Mr. Smith of Durham,--The Petition of J.J. Williams, Esquire, Mayor, and others, the Town Councillors and Inhabitants of Port Hope and vicinity.

By Mr. Wilson,--The Petition of James A. Macklin and others, of the Town and vicinity of London.

Petition of  
J. Kinny  
and others.

Ordered, That the Petition of John Kinny and others, of the County of Halton, be referred to the Special Committee appointed to enquire into the state of the Public Income and Expenditure of this Province.

Of A. Shade  
and others;

Ordered, That the Petition of Absalom Shade, Esquire, and others, of the Town of Galt, be referred to the Standing Committee on Railroads and Telegraph Lines.

Of A.L. Car-  
dinal.

Ordered, That the Petition of A.L. Cardinal, Chief Messenger of this House, be referred to the Standing Committee on Contingencies.

Of L. Lampron  
and others;  
Of L. Clair  
and P.E. Vezina;  
Of the Town Coun-  
cil of London,  
referred.

Ordered, That the Petition of Louis Lampron and others, of the Town of Three Rivers; the Petition of Louis Clair, President, pro tempore, and P.E. Vezina, Secretary-Treasurer, on behalf of the Municipal Council of Three Rivers; and the Petition of the Town Council of London, be referred to the Standing Committee on Standing Orders.

Great Western  
Railroad Stock  
Bill.

Sir Allan N. MacNab, from the Standing Committee on Railroads and Telegraph Lines, presented to the House the First Report of the said Committee; which was read, as followeth:--

Your Committee have examined the Bill to empower Municipal and other Corporations to subscribe for Stock of the Great Western Railroad Company, or otherwise to aid in completing that undertaking, referred to them, and made an amendment thereunto, which they beg leave to report for the consideration of Your Honorable House.

Resolved, That this House doth concur with the Committee in the said amendment.

Ordered, That the Bill, with the amendment, be engrossed; and read the third time to-morrow.

Fourth Report  
of Committee  
on Standing  
Orders.

The Honorable Mr. Cameron of Kent, from the Standing Committee on Standing Orders, presented to the House the Fourth Report of the said Committee; which was read, as followeth:--

Your Committee have examined the Petitions of Alexander Scobie and others, of Benjamin Thurtell and others, of Alexander Douglass and others, and of the Montreal Mining Company; and find that the requisite notices have been given in each case (that on the latter Petition having been published in the Canada Gazette, there being no local paper in the tract of country referred to in the Petition).

Of the Petition of H. LeMesurier and others, for an Act of Incorporation to construct a Railroad from Pointe Levi to the boundary line of New Brunswick, notice was published only in the Canada Gazette, from 15th March to 11th May, 1850; but inasmuch as no newspaper is published along the line of country over which the proposed Railroad would pass, Your Committee would respectfully recommend that the notice so given be considered a reasonable fulfilment of the spirit of the 66th Rule.

The Petition of the Municipal Council of Niagara, relative to the construction of a Swing Bridge over the River Welland, Your Committee do not consider of such a nature as can properly come under their notice.

In the case of the Petition of Jean Guérard and others, praying for an Act to incorporate the Ship-Carpenters of the District of Quebec, Your Committee find that the requisite notices have not been given.

The Petitions of E.B. Gilbert and others, of John McMurrich and others, of the St. Lawrence and Atlantic Railroad Company, of the Toronto Mechanics' Institute, and of Thomas Kirkpatrick and others, Your Committee do not consider of such a nature as to require notice.

Saguenay  
second Muni-  
cipal Coun-  
cil Bill.

The Honorable Mr. LaTerrière reported from the Select Committee on the Bill to authorize the inhabitant householders holding lands in the new settlements on the borders of the Saguenay, forming the second Municipal Division of that County, to establish a Municipal Council therein, and for other purposes, That the Committee had gone through the Bill,

(58)

and made amendments thereunto.

Resolved, That this House doth concur with the Committee in the said amendments.

Ordered, That the Bill, with the amendments, be engrossed; and read the third time to-morrow.

Message from  
the Council.

A Message from the Legislative Council by John Fennings Taylor, Esquire, one of the Masters in Chancery:--



Mr. Speaker,

The Legislative Council have adopted the following Resolutions:--

Joint Library  
of both Houses.

*Resolved, That this House having, on the 21st May last, decided in favor of the establishment of one Joint Library for the use of both Houses of the Provincial Legislature, has much satisfaction in learning that a similar desire is felt by the Honorable the Legislative Assembly.*

*Resolved, That this House concurs with the Honorable the Legislative Assembly in opinion that during the present Session a Joint Committee of both Houses should be appointed for the attainment of that object.*

*Resolved, That the Honorable Messieurs De Blaquière, Fergusson, Taché, and Ross, be empowered to act on behalf of this House as Members of such Joint Committee.*

And then he withdrew.

Rimouski  
Registry Bill.

*Ordered, That Mr. Taché have leave to bring in a Bill to explain and amend the Act dividing the County of Rimouski into two Districts for the Registration of*

*Deeds.*

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time, on Friday next.

Agriculture.

*Ordered, That Mr. Lacoste be added to the Select Committee appointed to enquire into the state of Agriculture in*

*Lower Canada.*

MR. CAUCHON<sup>1</sup> moved in substitute the name of Mr. Hincks for that of Mr. Peter Perry on the Committee on Railroads.<sup>2</sup>

MR. BOULTON had understood that Mr. Perry would be in the House in a few days, and there would be no use in changing the name.<sup>3</sup>

MR. CAUCHON said, Mr. Perry would not be able to attend before two or three weeks.<sup>4</sup>

MR. MORRISON said, he had received a letter from Mr. Perry, in which he stated he would probably be able to attend in ten or twelve days.<sup>5</sup>

MR. INSP. GEN. HINCKS protested he had quite enough to do, without advising the Railroad Committee<sup>6</sup>.

MR. PAPINEAU ... ((insinuated)) that the member for Montmorenci was but a cat's paw or jackall to the ministerial lions<sup>7</sup>.

MR. CAUCHON persisted in his motion<sup>8</sup>.

(58)

Railroads and  
Telegraph Lines.

*Ordered, That the Honorable Mr. Hincks be added to the Standing Committee on Railroads and Telegraph Lines, in the place of Mr. Perry.*

On motion of the Honorable Mr. Boulton, seconded by the Honorable Mr. Sherwood,

Interest on  
Money Laws  
amendment  
Bill.

*Ordered, That the engrossed Bill from the Legislative Council, intituled, "An Act to amend and simplify the Laws relating to the Interest of Money," be read a second time, on Thursday next.*

MR. CHAUVEAU<sup>9</sup> enquired of the Ministry whether it was their intention shortly

to introduce a Bill to prevent the desertion of Seamen from Foreign Vessels at the Port of Quebec.<sup>10</sup>

MR. INSP. GEN. HINCKS stated that it is the intention of Government to introduce a measure to remedy the very great evil that has been felt this spring, arising from this source at Quebec<sup>11</sup>, as quick as possible<sup>12</sup>. ((He)) then moved for leave to bring, without the usual<sup>13</sup> form of giving notice<sup>14</sup>, a Bill to extend the provisions of the Act for preventing the desertion of seamen, to foreign merchant vessels in this Province.<sup>15</sup> This was the first season that many foreign vessels had arrived at Quebec, and many of the seamen had been induced to desert. As the Law now in force does not extend to it. He had received several letters from Quebec on the subject. He believed the old Law worked very well, and that no change in it would be required.<sup>16</sup>

MR. CAUCHON would not oppose it. He did not agree with the Inspector-General, when he said the old Law worked well. The crimping was as bad last year as the year before,<sup>17</sup> and the only way to put a stop to crimping was<sup>18</sup> to get an Imperial Act passed<sup>19</sup> so as to allow seamen to be discharged at Quebec, so that there might always be plenty of seamen to be hired.<sup>20</sup>

MR. CHAUVEAU read a letter which he had just received from Quebec, urging the importance of the immediate passing of the bill<sup>21</sup>, stating that a great number of desertions had taken place from 30 foreign vessels.<sup>22</sup> He thought foreign vessels should be put on the same footing as British in this respect.<sup>23</sup>

MR. INSP. GEN. HINCKS moved that the bill be read a second time. He hoped that the House would dispense with the usual notice and printing. It was his intention to refer it to a Committee of the whole to-morrow.<sup>24</sup>

(58)

Foreign Mer-  
chant Vessels  
Bill.

*Ordered, That the Honorable Mr. Hincks have leave to bring in a Bill to extend certain Provincial Acts to Foreign Merchant Vessels when within this Province.*

*He accordingly presented the said Bill to the House, and the same was received and read for the first time.*

*Ordered, That the Rule of this House requiring Bills to be printed previous to the second reading, and also the Rule that every Bill shall receive three several readings on different days, be severally suspended as regards the said Bill; and that the same be now read a second time.*

*The Bill was accordingly read a second time; and committed to a Committee of the whole House, for to-morrow; and to be then the first Order of the day.*

Court Houses  
and Gaols  
(L.C.) Bill.

*The Order of the day for the second reading of the Bill to provide for the building of Court Houses and Gaols in the Judiciary Circuits of Lower Canada, being read;*

*Ordered, That the Bill be read a second time, on Friday next.*

Registry of  
Vessels Bill.

*The Order of the day for the second reading of the Bill to repeal the Act relative to the registering of Vessels employed solely in navigating the inland waters*

*of this Province, being read;*

*Ordered, That the Bill be read a second time, on Friday next.*

Land Scrip  
Bill.

*The Order of the day for the second reading of the Bill to limit the time for redeeming Land Scrip, being read;<sup>25</sup>*

MR. COM. CR. LANDS PRICE moved the second reading of the bill to limit the time for receiving land Scrip.<sup>26</sup> The bill was to prevent fraudulent claims from



being admitted, which he feared was too frequently the case. The bill of last session had increased the labour of the department over which he presided two-fold, and every branch of it was behind hand, and<sup>27</sup> so many claims made and of so complicated a nature<sup>28</sup> frequently for the attestation of single claims the books of the department had to be searched for two or three generations.<sup>29</sup> It was questionable if many fraudulent claims were not admitted. Since 1841, £295,000 had been paid out of the revenue for the redemption of scrip.<sup>30</sup> Under the present system parties to whom scrip had been issued kept it until they could redeem it with the most valuable lands in the country. Now there were surveyed lands in the country sufficient to redeem all the outstanding scrip in six weeks. He therefore should propose that all scrip not presented for redemption within one year after the passing of the bill should be forfeited.<sup>31</sup>

DR. BOUTHILLIER read an extract from a letter dated Crown Land office, Feb. 7, 1750, denying the right of parties to claim land on account of Scrip in Lower Canada.<sup>32</sup>

MR. COM. CR. LANDS PRICE explained that the Assistant Commissioners of Crown Lands had misconstrued the act;<sup>33</sup> the views taken by the Assistant Commissioners was, that the provisions of the Act did not comprehend Lower Canada, but had reference only to the claims of Upper Canada. He (Mr. P.) however, took another view of the subject, and considered that all were included--Lord Durham having recognised the claims of both Canadas. As soon as his (Mr. P's) opinion was made known to the Assistant Commissioner, the claims of Lower Canada were<sup>34</sup> at once<sup>35</sup> recognised and many had been allowed scrip. He had stated further, that if under an erroneous impression, petitions had been returned, it was only right that they should be brought forward a second time, and they ought to be admitted by the Government, and he believed several had been admitted. He saw also no objection to extend the time, to afford an opportunity to persons to advance these claims, which had been rejected, owing to an improper construction of the law; and a clause to that effect might be introduced.<sup>36</sup> The scrip was now of very small amount in Lower Canada, certainly not more than £40,000; and there are thousands of acres of lands on which this scrip can be applied.<sup>37</sup>

MR. WILSON said that some years ago an order in Council was passed, for cancelling the locations; and on the authority of that order the Crown Lands Commissioner cancelled the claims as well as the locations. He wished to ask why this was done?<sup>38</sup>

MR. COM. CR. LANDS PRICE said the grants were conditional grants; the parties were required to do settlement duties, and the settlers not ... having performed those duties, their rights were cancelled.<sup>39</sup>

MR. WILSON said there were some claims which were not conditional.<sup>40</sup>

MR. COM. CR. LANDS PRICE said that many claims were made that were of 80 years standing; and he argued that there must be some time for the cancelling of claims to which the parties themselves paid no attention.<sup>41</sup>

COL. PRINCE quite agreed with what had fallen from the Commissioner of Crown Lands. Thousands of acres of land had been lost because the people were too lazy to look after them. He knew families in the Western District who if they had but paid moderate attention to these claims would have been rich; orders in Council had been issued and laws passed but they had been taken no notice of.<sup>42</sup> ((He)) liked the bill, because it would teach people not to be lazy in looking after their own interests.<sup>43</sup> He hoped the government would shut the door against all claims, 35 years had now passed since they came into existence<sup>44</sup> during which they had not been preferred--from their indolence<sup>45</sup>, and it was quite time they were extinguished. He wished to see the whole Crown Land Department got rid of; and this was a step towards it. In Detroit a man could buy 5000 acres of land in



ten minutes and get his deed in 20 minutes. But here there were so many labyrinths, so many twistings and turnings, such reference from ... this clerk to that, and from this principal to that, that the land office, owing to no fault of its managers, was a perfect augean stable.<sup>46</sup> He thought upon the whole that the best plan was to confirm those titles where possession had been held twenty years.<sup>47</sup>

MR. SOL. GEN. MACDONALD had been in favour of the admission of claims, but had he seen as much as he had since, he never would have voted for the measure.<sup>48</sup> ((He)) wished to see these claims extinguished. With regard to the forfeitures spoken of by the member for London, he had always thought it a ... hard case that those who had been unable to settle the lands should have their rights taken from them.<sup>49</sup>

MR. WILSON did not object to the closing the door at a given time against all; but he wished to see it opened wide enough that all might go through at once.<sup>50</sup>

MR. SEYMOUR hoped the door against all claims would be shut as soon as possible.<sup>51</sup>

MR. INSP. GEN. HINCKS in answer to some remarks of Mr. Seymour said he had never put a new U.E. name on the list; though he had restored suspended names. He argued that the complaints against the Crown Lands Department nearly all arose from the officers resisting attempts to commit frauds on the Department.<sup>52</sup>

MR. H. BOULTON (Norfolk) said he knew many persons went round the country buying up these claims wherever they were to be had. They never gave more than £10 and often not more than \$10 for a claim.--The system was one of regular swindling; and he hoped to see the claims cancelled.<sup>53</sup>

MR. G. SHERWOOD (Brockville) thought that if from any mistake the claims from Lower Canada were unsettled they should speedily be adjusted. There were also cases of just hardship in Upper Canada; poor men's claims had been forfeited through ignorance, or inability to present them, and these should be reconsidered.<sup>54</sup>

MR. ROBINSON thought ample time should be allowed for the filling of claims before the books were finally closed. The acts would scarcely (sic) be issued for merely nine months, and the people of the country would be deprived of information.<sup>55</sup>

MR. H. BOULTON said, there were many methods of giving information to the people which in the event of the proposed bill passing, would be highly necessary. He would suggest that circulars be sent to the municipal authorities, and that notices be posted in the Town Halls. This would be found effectual.<sup>56</sup>

MR. COM. PUB. WORKS MERRITT was surprised to hear any Hon. Member talk of keeping those claims open even for an hour longer. The U.E. rights, of which for the most part the outstanding claims consisted, originated in 1783<sup>57</sup>, and where was there to be found alive any of the original claimants?<sup>58</sup> ((They)) were all in the hands of jobbers. If they had any capital in Canada at all, it was their public lands, yet thirty-five millions of acres had been squandered away; the country had been swindled of them by the connivance of the members of the Legislature. Before the year 1837, these claims were only worth about £2 10s. each, because settlement duty was required to be performed. This was altered by one stroke of Sir John Colborne's pen; these claims became of value of £10 instead of £2 10s.; and the members who voted for it, having brought up these claims, were those who profited most by it. Well, we got them under our control in 1837, and what have we done with them? Instead of squandering them in acres as before, we have given them away in hundreds; the expenses of giving them away had actually been paid out of the public funds. The expenses of the Department had been paid, not by the price of lands,--those did not pay their own expenses,<sup>59</sup> one tenth part of the expense of selling them;<sup>60</sup> but from the timber dues and other sources; and yet now hon. gentlemen wished to re-open these claims. The lands should have been sold and

funded for school and other purposes; and if they had done so from the first, they would have had ample means at their disposal.<sup>61</sup> He would compel the claimants to take original value of their claims, which at first were worth only £2 10s. He was in favor of closing those claims as soon as possible--three or six months would be quite time enough to keep them open<sup>62</sup>, instead of the nine in the bill. All the claims were now owned by jobbers, who had bought them up.<sup>63</sup>

(58)

*The Bill was accordingly read a second time; and committed to a Committee of the whole House, for Friday next.*

Assessment  
Bill (U.C.)

*The Order of the day for the second reading of the Bill to establish a more equal and just system of Assessment in the several Townships, Villages, Towns and Cities in Upper Canada, being read;*<sup>64</sup>

MR. INSP. GEN. HINCKS moved that the Bill to establish a more regular and just system of Assessment in Upper Canada, should be read a second time. He said that the bill had excited a very great deal of interest throughout the country, and it was admitted on all hands that a measure on the subject was absolutely required, he did not therefore expect any opposition to the second reading of the bill, although the details might be objected to in committee. Measures upon the subject had been often before the Legislature already; the great difficulty which had prevented their success, was that of devising an equitable mode of levying an assessment upon personal property. The system now existing, and which had existed for many years past in Upper Canada, was to levy upon real property at a fixed rate per acre, and it was an exceedingly unfair one; the rich man in the front with valuable land, was taxed the same as the poor man in the rear, with property of much less value. In the bill of last session, it was provided that as in the States of New York, Massachusetts and some others, property should be taxed according to the actual value, in the rural districts as well as in the towns, but as taxation according to the rental, the system adopted in the towns, appeared to be more acceptable to the people, he had adopted that system in the present Bill. It was objected to the personal property provisions, that the assessors would have a right to make enquiry into all the details of the property of individuals, which would be highly objectionable; he therefore proposed to adopt now a different system. A scale of different classes, according to the amount of property, from £125 up to a very large sum was prepared, and each individual would be required to state to which class he belonged. He scarcely thought that any system would be found altogether satisfactory, but he had found that many persons approved of the new plan who had objected to the former one. Another change in the bill of last year likewise had been made; he had left it optional with municipal corporations to adopt the personal property clauses or not, as they thought fit; if there was a strong feeling against it they would of course decline doing so. Another provision was, that in no case should a man be assessed for a less sum than the amount of his annual income. A professional (sic) man might have a regular income of £400 or £500 a-year, and yet be possessed of little or no property. It was not fair that he should thus escape taxation. It might be thought a hard case that the man who had £500 of property should be taxed the same as the man who has £500 a year income; but the answer was, that if it were not for this provision, the latter would escape taxation altogether. In the former bill he had provided for the appointment of three assessors in every township, in order that after each had assessed his own part, they might meet and form a ... court of revision. He now, however, proposed to allow the municipal councils to appoint as many as they pleased, as was now done in the city of Toronto, where the council formed a board of appeal from the decision of the assessors (sic). These were the principal alterations which had been made; he had received many suggestions from gentlemen since the bill was printed, to which he would give every consideration<sup>65</sup> when the bill went into committee<sup>66</sup> and he trusted that the bill would pass its



second reading, and be allowed to go into committee without opposition.<sup>67</sup>

MR. HOPKINS seconded the motion.<sup>68</sup>

MR. H. BOULTON (Norfolk) had great pleasure in giving his support to the Government whenever it was in his power to do so. He had pleasure in stating that after a careful examination of the bill he was convinced that with a few very trifling alterations it would be productive of great benefit to the community, and he gave the Inspector General great praise for the judicious manner in which it was drawn.<sup>69</sup>

MR. W. BOULTON (Toronto) said that in the former measure, bills, notes of hand, mortgages, and bank stock, had been specially mentioned as liable to assessment; they were not so mentioned in the present bill. Was it intended to include them?<sup>70</sup>

MR. INSP. GEN. HINCKS said yes, and read a clause from the bill<sup>71</sup>. The words were sufficiently explicit in including all property except land.<sup>72</sup>

MR. STEVENSON had opposed the bill of last session because he believed that under it less personal property would be taxed than under the present system, and he thought so still. Many gentlemen had opposed it on the ground of its clauses authorizing enquiry into the details of personal property; he had not agreed with them, however, in their opposition on that ground. He was convinced that the present system was not an equitable one, and though he disapproved of the details of the present measure he should not oppose the second reading, because the personal property clauses were more carefully guarded, and because people with a fixed yearly income were made to pay a proportionate tax. He did not see why a man with £1000 a-year from professional labours or from interest on money should not pay as much as those who derived the same amount from land. He was opposed, however, to the taxing of unproductive lands, which would, in many cases, be forfeited for the amount of the taxes. Mr. S. was heard very indistinctly in the gallery.<sup>73</sup>

MR. INSP. GEN. HINCKS was surprised at the objection of the last speaker that the effect by taxing lands according to their value, would be to take them out of the hands of their present holders and place them in the hands of sharpers.<sup>74</sup> He thought it would be an advantage to tax unoccupied lands, if by so doing they would force them into the market; they would thus be taken from those who had bought them on speculation and who held them uncultivated to the great detriment of the surrounding country. If the lands, however, were really worth nothing, and could not be sold, the assessors would of course put them at their proper rate and the tax would be in proportion to their real value.<sup>75</sup>

MR. ROBINSON desired the hon. member to put off going into committee for some time. He feared that the wild land tax would be the greatest difficulty, and give dissatisfaction.<sup>76</sup> It was necessary to alter the law in order to tax unproductive land, but thought that it was granting too great power to the Assessors to fix the value of those lands. He thought, too, that the option given to the Municipal bodies would not answer, and would have to be changed.<sup>77</sup>

MR. W. BOULTON (Toronto) belived (sic) that under the bill almost all the burden of taxation would fall on land<sup>78</sup>. The majority of the farmers were deeply in debt, and their personal property<sup>79</sup>, cattle, sheep, and horses, at present taxed<sup>80</sup> would escape taxation almost altogether<sup>81</sup>.

MR. J. CAMERON (Cornwall) would not oppose the second reading of the bill, but found objection to some of its details.<sup>82</sup> ((He)) objected to the principle laid down in the seventh clause of this Act as decidedly unjust. It appeared that a person would by that clause be exempted from taxation altogether, if his just debts equalled his income in amount for instance, a man with an income of £500 a-year might, if he were so disposed, leave his butcher, tailor, or grocer in



arrear until the end of the year; and, as every man lives up to his income, it would be found that these debts, together with others which must be necessarily looked upon as just debts, would exempt him altogether from bearing any portion of the public burdens.<sup>83</sup>

MR. INSP. GEN. HINCKS would explain that to the Hon. Gentleman.<sup>84</sup> Such was not the intention of the clause.<sup>85</sup> It was provided by another clause that a person possessing an income should be taxed to its full amount.<sup>86</sup>

MR. J. CAMERON (Cornwall) thought that in that case the injustice was still more apparent. A provision was made in the one case that a man possessing personal property, say to the value of £5000, but who was indebted in the sum of £4000, should only be taxed on the £1000 which he possessed over and above his debts, whilst on the other hand a man with an income of £1000, who perhaps owed debts of seven or eight hundred, or even a thousand pounds, should not be entitled to any such exemption, but was taxed to the full amount. If the principle were a just one, why not apply it to all? But the fact was, that the principle of the Bill would be very shortly found to be as inoperative here as it has proved in the State of New York, where, out of an assessment of 129 millions of personal property, 60 millions were held in New York City, leaving only 69 millions scattered over the State; and only five millions of that amount was assessed in the rural districts. With respect to the tax on Bank Stock, he should wish to enquire whether the Hon. Inspector-General intended that the tax on Banking Issues should be continued?<sup>87</sup>

MR. INSP. GEN. HINCKS—"Certainly."<sup>88</sup>

MR. J. CAMERON ((continued:)) Then there was another injustice. The Banks would in that case be taxed doubly, and he should attempt in Committee to relieve them in some measure from the undue pressure to which this Bill would subject them.<sup>89</sup>

MR. MORRISON said that this Bill was not as objectionable as the one introduced by the Hon. Inspector-General last Session.<sup>90</sup> He could hardly believe that the Inspector General intended to tax bank stock in addition to its present burdens<sup>91</sup>, but he was still of opinion, that the greatest burden of the taxation would fall on real estate. The proposition to exempt holders of personal property from taxation on their debts would have just that effect, while all his efforts had been directed to the grand object of freeing real estate as much as possible, and imposing some share of the burdens on other descriptions of property. And for that purpose, no exemption should be made, but the assessment ought to be made fairly according to the specific and not the arbitrary value, as is now done--of the property real and personal held by each individual. In that way, farmers who possessed the finer descriptions of cattle, sheep or horses, would contribute more than they do now, as all animals, no matter what difference there may be in their real value, are assessed arbitrarily at the same rate. There was another portion of the bill to which he had a most decided objection. If debts and mortgages were to be assessed, the burden would most undoubtedly fall on the poor man, for he could not suppose--and he was strengthened in his opinion by every person with whom he had conversed on the subject--that the money lender--the rich man would pay the tax. He would undoubtedly shift the weight on his debtor, who, from his peculiar position would be unable to refuse payment of the tax. He objected to it, also, on account of its inquisitorial nature, which, he felt convinced, would be resented by the people of Upper Canada, from the insuperable objection that every man felt to have his private affairs inspected and laid open to the public. The statistics of the neighboring State of New York shewed how completely this measure failed there, and it was not likely that it would meet with a better reception or work any better here. As to the tax on foreign Insurance, and other descriptions of foreign stock, of which a large amount was held in this Province,

he felt tolerably certain that its effect would immediately be the transfer of that stock to foreign countries.<sup>92</sup>

MR. INSP. GEN. HINCKS--Will you tell me in what country there are no taxes?<sup>93</sup>

MR. J. CAMERON--There are no taxes of this description in Lower Canada.<sup>94</sup>

MR. INSP. GEN. HINCKS---The taxation in Lower Canada is ten times worse than it is here. People in this section of the country would not submit to the system they have in operation there.<sup>95</sup>

MR. MORRISON was aware that taxation must exist in any civilized country, but his object was to divide the burdens equally. For that reason he was opposed to the exemption which this Bill granted to holders of personal property in proportion to their indebtedness, and would contend when the Bill went into Committee, for he would vote for the second reading, that such persons should be taxed according to the specific value of the property in their possession as he was convinced it was the only certain mode of freeing real estate from the great pressure to which it is at present subjected.<sup>96</sup>

MR. H. SHERWOOD (Toronto) would support the second reading of the bill but found objections to its details.<sup>97</sup> ((He)) saw many objections to the Bill in its present shape. In an Assessment Act it appeared to him that they had no right to take any notice, or to make any enquiry into a man's debts. An Act of that kind must necessarily be inoperative, as it was of too inquisitorial a nature, and from the peculiar manner in which the Bill was framed would exempt from taxation a large amount of property that ought very justly to be taxed. The true principle was that every man ought to be rated according to the specific value of the property that he held in his possession and of which he enjoyed the benefit. It was no one's business, and more especially it was not the business of an Assessor to inquire into any man's liabilities. If he held property to the value of £750 he did not wish to inform all the world that he owed £650, and consequently he ought only to be taxed on one hundred pounds. That was a principle that he was directly opposed to, and he could not conceive that it would be acceptable to the public. He recognized the right of a Government to demand a certain degree of support from every individual who enjoyed the protection of that Government, so that if a man possessed £1000 worth of property he ought to pay one thousand pennies, or if he held only £50 worth, he ought to contribute fifty pennies to the support of the Government, but he was decidedly of opinion that that assessment should be made on all the property he held in possession and of which he enjoyed the benefit, without any question as to his liabilities, and he hoped that the Inspector General would be willing to amend his Bill in that particular in Committee, otherwise it would introduce evils of which he had no conception, and would very probably be repealed within two years after it had gone into operation.<sup>98</sup>

MR. INSP. GEN. HINCKS was very much indebted to hon. gentlemen on both sides of the house for the suggestions they had thrown out, and he would of course feel it his duty to take them into consideration, but he regretted that after turning the subject over in every shape, he had been forced to arrive at a very different conclusion with respect to the mode of carrying out the object they all desired. The fact was that a great inconsistency existed between the arguments of some hon. gentlemen and the views which they profess to hold. One hon. gentleman objected to the Bill because it would lay the burden of taxation principally on real estate, and yet at the same time he denounced the taxation of the farmers' sheep, cattle and horses. Another required the taxation of pleasure waggons (sic). In fact, there was not a single thing belonging to the farmer, whether for use or pleasure, that they would not tax, but the moment the wealthy holders of mortgage or bank stock were mentioned, they appeared determined to let them off if possible. Another hon. gentleman, the member for Cornwall, objected to income tax, asserting that it would be unjust. Now he contended that every man possessing an income



should be justly taxed on it as property, and he could not understand on what ground he should be exempted from paying his share. And so with regard to Bank Stock: he contended that that was a proper subject for taxation, but instead of imposing a tax on the corporation as he proposed in his Bill of last year, he now intended to assess the amount held by each individual. While on that subject, he must say that he held a very different opinion from the hon. member from Cornwall, who appeared to regard the taxation of Bank issues as an injustice. It should be remembered that those corporations were in the enjoyment of a very great privilege, which they alone possessed, of issuing a certain amount of paper, bearing the same amount as actual money. For that privilege he thought they ought very justly to pay a proportionate tax to the government who granted it to them; but it was a mere matter of detail and could not come up so properly then as it would in committee, and as he held no very strong opinion on the subject, he would be willing to accede to the wishes of the House if they were opposed to it. Then, with regard to stocks and mortgages, he could not see any reason why they should be exempted from taxation, for had he the slightest fear that the Municipal authorities, to whom a discretionary power was given, would exercise it in such a manner as to drive the holders of that stock out of the country, for he knew numbers of individuals who had made their money in this country, benefitted by its government, and although resided here, paid taxes to the State of New York on the very stock they hold. When that was the case, it was out of his power to understand why people who now paid taxes to a foreign power, should be unwilling to pay a similar amount to their own government, or why it should have the effect of driving them out of the Province. He would confess that he was a good deal embarrassed by the kind of opposition that he met with, and found some difficulty in reconciling so many conflicting theories to each other. The hon. member for the West Riding of York said that the whole burden of taxation should not be borne by real estate. Well he concurred fully with the hon. gentleman in that opinion, and would admit on the other hand, that it was not as easy to get at personal property as at real property, for the purpose of taxation; but he took a very different view of the operation of this system in New York from the gentleman. He had paid the utmost attention to it; he had read the reports on the subject, and he found that the only reason why it did not succeed thoroughly was that the Act was not sufficiently stringent, and that constant efforts were being made to introduce the Ohio system, under which each man was obliged to swear to the amount of personal property, he at once objected to the classification under the head of Bank Stock, Mortgages, incomes--in fact anything which would subject the wealthy man to taxation. He could only tell the hon. gentleman that there was a strong feeling in the country in favor of the principle of this Bill, and that an opinion very unfavorable to the professional men in the House was daily gaining strength, that they were determined to oppose the assessment of personal property.<sup>99</sup>

COL. PRINCE made objection to the taxing of that kind of personal property which consisted of notes or bills. He said it would give dissatisfaction in his part of the country.<sup>100</sup> The Inspector General was certainly very hard on the lawyers, who could not be expected to contribute much to the support of the Government, as very few of them in this country got anything but small profits from the practice of their profession, and more particularly as two or three very disinterested gentlemen were labouring hard to reduce their profits still more, so that, in a short space of time, they would scarcely have enough left to buy a decent gown. The hon. Inspector-General appeared to think, however, that the public would support him, and hail his Bill with delight; but he would assure him that, so far from that being the case, it would be found fully as objectionable with its inquiries into men's debts and their incomes, as the Income Tax was in the days of Pitt. That he might depend upon. He should like to know what was the reason that a double legislation was to be carried on interminably? This Bill--odious to every man who possessed the slightest degree of self-esteem, was



to be applied to Upper Canada alone. Why not apply it to Lower Canada? Why should the rich professional men and office holders of Lower Canada not give some share of their income? The reason was obvious. The members from Lower Canada would never consent to such a system of taxation, and it would of course be defeated, but yet they were to be used by the Ministry to force an odious, he had almost said an impious Bill, to which they would never consent themselves to cram down the throats of the people of Upper Canada. They should remember that he and the people of Upper Canada generally had the same objections to have their private concerns exposed to the gaze of the curious, and he therefore called on them and the hon. Inspector General in the name of God not to proceed with it any further.<sup>101</sup>

SIR A. MACNAB did not think that members from Lower Canada should vote upon the bill and called upon them not to do so.<sup>102</sup>

MR. W. BOULTON (Toronto) said that the Bill introduced last Session was opposed by the entire press of Upper Canada.<sup>103</sup>

MR. INSP. GEN. HINCKS. "You are wrong."<sup>104</sup>

MR. W. BOULTON continued. And it had only given its support to this Bill under the impression which was very general that the inquisitorial clauses would not be inserted. However, it was not his intention to discuss that question then, but he would say that there was (sic) strong reasons for wishing that the system of assessment throughout the Province should be uniform. For at this moment there was a great competition between the different towns as to which should carry on the commercial business of the country, and of the large amount of personal property in Toronto--amounting to several millions--if all invested in Commercial business, was to be taxed, how would it be possible for Toronto to compete with Montreal, where there was no such taxation, or how would it be possible for Hamilton to compete with Quebec in ship-building. Competition under such circumstances would be serious, and the merchants and ship-builders of Upper Canada would necessarily be obliged to go to Montreal or Quebec.<sup>105</sup>

MR. INSP. GEN. HINCKS would appeal to the hon. member for Montreal, whether the taxes in that city were not infinitely heavier than they would be here under the operation of this Act?<sup>106</sup>

MR. MORRISON repeated his objection to the Bill on the ground that the debtor would be obliged to pay the tax, and consequently that the man whose farm was mortgaged would have to bear a double load of taxation. That would be the case in the older counties, and in others there would scarcely be any personal property to assess, so that, as he had already shown, the real estate would bear the entire burden. That was the opinion of every person to whom he had spoken on the subject.<sup>107</sup>

MR. J. SMITH (Durham) was apprehensive that a good deal of difficulty would be found in the working of this Act, from the evasion and frauds that would be practised.<sup>108</sup> ((He)) inquired where Mr. Hincks got a precedent for allowing the Municipal Council to exempt personal property from taxation. He thought the right to exempt real estate was just as sensible. He could not see why under the 5th clause a man should pay just as much tax for £10,000, as another for £19,000. Mr. Smith objected to the mode of taxing debts, and explained what he thought the difficulties that would be felt.<sup>109</sup> He would suppose, by way of example, that the assessor went to a man who held a note for a hundred pounds against another. Under this Act, that note as a matter of course would have to be produced, but the holder would attempt to make it appear that it was in reality of very little value. On the other hand, he went to the man who had given the note, he would find it set down among the just debts and would claim exemption from taxation for that amount.<sup>110</sup>

MR. CAYLEY made a few remarks but could not be heard, in consequence of three or four of the members talking to some ladies under the reporters' box, immediately under the desk.<sup>111</sup>

MR. ROSS admitted that he knew nothing of the contents of the Bill and while he was deliberating whether he would be justified in voting on it, his doubts had been suddenly removed by the way in which an hon. gentleman had spoken during the course of this debate of the interference of L.C. members. Did that hon. gentleman suppose that forty-two members of that House were going to commit such a dereliction of duty as he seemed to dread. For his part he was determined to study and digest every question that came before them, and he hoped every L.C. member would do the same, in order that they might be prepared to give their vote.<sup>112</sup>

The motion was then put and carried without a division.<sup>113</sup>

(58)

*The Bill was accordingly read a second time;*

MR. INSP. GEN. HINCKS rose for the purpose of moving that the House do take it up in committee of the whole on Tuesday next. In allusion to the assertion made by an hon. member on the other side of the House that this Bill was to be carried by Lower Canadian votes, he said he wished the House to understand that no man would deprecate more earnestly than he would himself any attempt to force laws on Upper Canada or on Lower Canada, by the votes of the other section of the Province; but he would ask the members from the lower part of the Province, who had attended to this discussion, if they had heard a single individual say that the present system of assessment was satisfactory, or whether they had heard of any scheme started that would obtain the support of any two members on either side of the House. If that were the case, he thought they might easily be justified in supposing some change necessary, and in giving him their support. For his own part he could only say, that in the numerous discussions he had with the hon. gentlemen who generally acted with him, he had never heard any scheme that would obtain general support, and it was his solemn conviction that the Bill before the House would be supported by a vast majority of the population of Upper Canada. As to that part of it which had excited the greatest opposition--he spoke of the personal property tax--it was left at the discretion of the different municipalities whether that tax should or should not be imposed. There was nothing coercive in the Act, and consequently if that principle were objected to in any particular locality, the Municipality Council had the remedy in its own hands.--As to the objection made by another hon. gentleman, that the tax would be constantly evaded he said he knew that was very possible, and that the only remedy for it was by making the Act, still more stringent, but the public were not prepared for such a course now, and it ought therefore to be left as a subject for future legislation, and in reply to Sir A. McNab, he would say, the operation of this Bill was not extended to Lower Canada, from the impossibility of passing laws to suit both sections of the Province at this moment, but he knew from his own experience that the system of assessment in Montreal is the most abominable in the world, as it imposes a tax on the trade a man follows, instead of assessing the legitimate objects of taxation; but he believed that the inhabitants of Montreal were getting their eyes opened to the abuse of the system, and it would shortly be changed for a better.<sup>114</sup>

MR. H. SHERWOOD referred to the principle that had been laid down as to Lower Canada members voting, and said he agreed with Mr. Ross; but that hon. member had not drawn the distinction between questions relating to the whole province, and those relating to one Section only.<sup>115</sup> ((He)) wished to hear the Inspector-General assign some good reasons why the Seigneur, the holder of Bank Stock, or the rich money lender should, in L. Canada, be exempt from this tax which similar



persons in U. Canada were to pay? Was there any justice in making such a distinction? Or was it right that the Members from L. Canada, who would not consent to the imposition of this tax on themselves, should force it on another part of the Province? Such a course could not, by any possibility, be justified<sup>116</sup>. Exempting personal property in Lower Canada, and taxing it in Upper Canada, was calculated to induce people to leave Upper Canada and go to Lower Canada.<sup>117</sup> It would be far better if the L. Canadians would not interfere in a question that did not in any degree affect them, but leave it to be settled altogether by those it does affect; but if they would vote and thus sanction the project as a good one, why not apply it at once to themselves? Why not tax their mortgages and debts when they voted to tax his? Because the Attorney-General East, in the exercise of the power which he possessed, and who directed his side of the House as to what measures they should reject, would interfere immediately, with his "No," and the thing was settled<sup>118</sup>; but he took good care to prevent any one from interfering with Lower Canada.<sup>119</sup> When was the Inspector General ever seen getting up and proposing an Assessment Bill for Lower Canada? When was he ever guilty of proposing that Mr. Moffatt and other rich men of Lower Canada should contribute to the public purse out of their incomes? Nothing of the kind was ever seen, and thus while a great deal of sympathy and tender handling was exercised towards Lower Canada, their brethren of the other section of the Province were told bluntly that they required nothing of the kind, and that they could rough it out very well.<sup>120</sup> He contended that if a majority of the members of Upper Canada were opposed to this bill, the Lower Canada members should not vote for it.<sup>121</sup>

MR. INSP. GEN. HINCKS.--Hear, hear, that's the point.<sup>122</sup>

MR. CHAUVEAU.--How shall we know till the vote is taken?<sup>123</sup>

MR. H. SHERWOOD said that in case of a majority in Upper Canada being against it, and it was carried by the votes of Lower Canada; it would be taxation without representation, a principle that had always been opposed on this side of the Atlantic.<sup>124</sup> This was a system of legislation that Upper Canada would not bear with much longer, as there was no subject which the people took up more warmly than the subject of taxation, and the imposition of a tax on one section to which the rest were not subjected would go far to excite a feeling exceedingly prejudicial to any attempt to produce cordiality or community of feeling and interests. He deeply regretted that he had found it necessary to make these remarks, but he felt deeply the injustice that was done to him and his constituents.<sup>125</sup>

MR. RICHARDS denied that this bill was intended to tax any body. It was merely to fix the rates of assessment.<sup>126</sup> ((He)) asked the hon. gentleman who had just taken his seat, and the other hon. gentlemen who opposed the bill, if they would be willing to accept the assessment system of Lower Canada in exchange for this bill, or if there were one of them that would say that the present system of assessment in Upper Canada is perfect. He did not believe there was one who would answer "yes" to either of these questions, and if that were the case why should they not join together in an attempt to perfect it? One hon. gentleman had stated that an acre of land within a mile of Toronto paid no higher tax than an acre on the borders of Lake Simcoe. That was certainly an abuse, and if they could get it remedied by passing that bill, they would do well to waste no more time about it. There was a very artful allusion made by the hon. gentleman, that he felt it his duty to repel. He spoke of the attempt to make it appear that the House was subject to the decision (sic) of the Attorney General East. Now, all that he could say was, that from the slight intercourse he had with the hon. gentleman, he was perfectly disposed to submit to any dictation he was disposed to assume, for he had seen him evince the greatest aversion to interfere in any question which was purely Upper Canadian, and he was convinced that Upper Canadians had not the slightest cause for alarm on that head. Now, the honourable gentleman



had spoken of different systems of taxation in the different sections of the Province, as though it was something monstrous.<sup>127</sup> The taxation under the Bill was wholly for local purposes.<sup>128</sup> Did he not know that a great difference existed in that respect in the British Isles? The Bankrupt Law of England differed entirely from that of Scotland. The Income Tax of England did not extend to Ireland. Numbers of other instances might be produced; and it appeared to him that the hon. gentleman, forgetting these things, had used<sup>129</sup> such arguments as "we must have the same system in both sections of the Province"<sup>130</sup> that were much better suited for the hustings than for the floor of that House.<sup>131</sup> On a question of this kind ((this was)) ... unworthy of members of the House.<sup>132</sup> He ought to have known by this time that there was no desire on the part of members of either section to force obnoxious laws on the other; but the fact was that no law, however good, could be proposed without meeting opposition. His own opinion was, that the Bill before the House was a vast improvement on the system in existence; and when it got into committee, he should be happy to do all in his power to perfect it.<sup>133</sup>

MR. W. BOULTON (Toronto) made some remarks on the exclusive application of the bill to Upper Canada, and on Lower Canadian members voting upon Upper Canadian measures.<sup>134</sup> ((He)) said the present bill was not asked for by the country, that if a law making a more equitable assessment of real property was passed, and personal property left as it is the country would be satisfied.<sup>135</sup> He knew it would be impossible to make this system work in Lower Canada, and in its present shape the Bill would not be made to work successfully elsewhere. He therefore suggested that the Bill should be referred to a Special Committee.<sup>136</sup>

MR. INSP. GEN. HINCKS.--No, No!<sup>137</sup>

MR. W. BOULTON continued--Then he knew what its fate would be, for a great majority of the people were opposed to it.<sup>138</sup>

MR. G. SHERWOOD (Brockville) thought that it would not be asking too much of Lower Canadian members that they should consult the opinions of the majority of the Upper Canadian members in voting for bills to be applied to that section.<sup>139</sup> ((He)) agreed with the member for Toronto, and thought the bill should be modified in committee so as to affect real property only, and if hereafter the clauses relating to personal property should be found necessary they could be adopted.<sup>140</sup> He had good reasons to doubt whether the country would be satisfied with this Bill, and he thought it would be advisable to strike out the objectionable clauses. A great deal had been said about the dictatorship of the Attorney General East, with which the hon. member for Leeds appeared to be perfectly satisfied. For his own part, he would say that if he were in favor of a dictatorship, he would be as willing to instal (sic) the Attorney General in that office as any on the other side of the House, and if he possessed as much power as that hon. gentleman he would use it exactly in the same manner. (Hear, hear.)<sup>141</sup>

MR. SOL. GEN. DRUMMOND said that hon. gentlemen appeared to have forgotten during the course of this discussion, that municipal institutions had not made the same progress in Lower Canada as in Upper Canada. In fact, that they have not begun to work in any satisfactory degree, except in a very few counties, and that it was consequently impossible to apply many measures to Lower Canada, which would be highly successful in the other part of the Province. He regretted that such was the case, and so did many other hon. gentlemen: for although it was the fashion to speak disparagingly of his section of the country, and despite all the obloquy that the hon. member for St. Maurice had attempted to cast on his countrymen, they were not altogether so destitute of intelligence, as not to be able to perceive the full benefit of municipal institutions, and he would beg to inform them, that in that benighted part of the world, a considerable portion of the constituency he represented, were in favour of the principle of that very bill. Such

an assertion would, no doubt, astonish some hon. members on the opposite side, who had been accustomed to hear the hon. member for St. Maurice—who, by the bye, never complained when he was "bell wether" himself—taunt them with being a pack of sheep without any opinions of their own. It appeared, so far as he had been able to gather from the speeches of hon. members, that they opposed this law, merely because hon. members from Lower Canada would not consent to its application to their constituencies. Did that prove that it was necessarily bad! The fact was, that Lower Canada members would gladly adopt it, if it were not for the want of the necessary machinery; but he hoped the time would come when they would be able to apply it to themselves, for he was of opinion that the greatest element of success and prosperity to a nation, was the raising taxes for local purposes, and that the principle cause of the rapid advance of the United States, was the readiness with which people subscribed local taxes. He had one word more to say to the hon. member for Toronto, who had expressed a great deal of indignation at the idea that an Upper Canada local question was to be carried through the house by a majority of Lower Canada votes.—He would defy that hon. gentleman to point out a single question of any importance that had been carried in that manner. There was not a single instance of the kind, but on the other hand he could point out several questions, purely Lower Canadian that were decided by votes from the other section of the Province. He would instance a particular Bill on the Election Law of Lower Canada that was introduced by the hon. Attorney General East during three successive sessions, and thrown out on each occasion, although it was supported by all the Lower Canada members except five. He would however gladly see all these distinctions set aside and hon. gentlemen from all parts of the Province work together cordially for the public good.<sup>142</sup>

MR. STEVENSON was almost inaudible, but we understood him to say that<sup>143</sup> only a few days ago, a motion on the Court of Chancery was thrown out of this House by Lower Canada votes against a majority of the members from Upper Canada.<sup>144</sup>

MR. JOHNSON had not opposed the second reading, but he hoped to see several alterations made in the Bill in Committee.<sup>145</sup>

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*and committed to a Committee of the whole House, for Tuesday next.*

Emigrants'  
Encourage-  
ment Bill.

*The Order of the day for the second reading of the Bill to encourage Emigrants from Europe to the United States to use the St. Lawrence route, being read;*<sup>146</sup>

In moving the second reading of the Bill to encourage Emigrants from Europe to the United States to use the St. Lawrence route, MR. INSP. GEN. HINCKS said, he intended to refer the bill which his resolution proposed, to a committee of the whole House, when members would have an opportunity of discussing its provisions; therefore he did not think it necessary<sup>147</sup> for going at length into the subject this moment<sup>148</sup>. He would inform members opposite, that since the question was last under debate, he had ascertained that the emigration tax now imposed in New York was 7s. 6d., being the same as now in force in Canada, and was applied for the relief of emigrants in the same manner as provided by the present bill.<sup>149</sup>

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*The Bill was accordingly read a second time; and committed to a Committee of the whole House, for Friday next.*

Post Office  
Bill.

*The Order of the day for the second reading of the Bill to provide for the transfer of the management of the Inland Posts to the Provincial Government, and for the regulation of the said Department, being read;*

Ordered, That the Bill be read a second time, on Friday next.

Division  
Courts (U.C.)  
Bill (No. 2)

The Order of the day for the second reading of the Bill to amend and consolidate the several Acts now in force regulating the practice of Division Courts in Upper Canada, and to extend the Jurisdiction thereof, being read;

Ordered, That the Bill be read a second time, on Tuesday next.

Notarial Pro-  
fession Organ-  
ization Bill.

The Order of the day for the second reading of the Bill to amend and consolidate the Act providing for the organization of the Notarial Profession in Lower Canada, being read;

Ordered, That the Bill be read a second time, on Monday next.

Orders  
deferred.

Ordered, That the remaining Orders of the day be postponed until Friday next.

Then, on motion of the Honorable Mr. Attorney General LaFontaine, seconded by Mr. Dumas,  
 The House adjourned.



APPENDIX: 11 JUNE 1850.

((POSTPONED MOTION RE: CLERGY RESERVES.))<sup>150</sup>

Notice had been given by the hon. MR. COM. CR. LANDS PRICE, that he would, on this day, move a series of resolutions on the subject of the Clergy Reserves<sup>151</sup> giving a history of these Reserves from the year 1827 down to the present time, winding up with a declaration that no religious denomination can be held to have such a vested interest in them as excludes further legislation, and that "the most liberal and equitable" manner of settling agitation on the question would be for the Imperial Parliament to pass an Act providing that the annuities now payable to the several denominations of Christians out of the Fund should terminate at some specific time, and that, subject to this provisions (sic) the Provincial Parliament should be authorized to appropriate as it may think proper the whole revenue arising from this source<sup>152</sup> and a number of printed copies were distributed to the members of the House<sup>153</sup>. Mr. Price said he had been requested by members of both sides of the House to postpone the introduction of his series of resolutions on the subject of the Clergy Reserves<sup>154</sup> till Tuesday next.<sup>155</sup> ((He)) moved that a thousand copies of his resolutions on the subject ... be printed with a view of having them distributed.<sup>156</sup>

MR. H. BOULTON (Norfolk) objected to the motion.<sup>157</sup> ((He)) would like to ask the Commissioner of Crown Lands, what authority he had for getting printed 1000 copies of these Resolutions.<sup>158</sup> The usual number of copies printed for the House was two hundred and fifty<sup>159</sup>. He said, because they were members of the Government, they thought they could do as they pleased. He would like to know whether he had got the authority from the House.<sup>160</sup> It was a greate (sic) waste of money.<sup>161</sup>

MR. COM. CR. LANDS PRICE said, the subject was one of vital importance to the people of this Province, and he, therefore, had presumed to have a sufficient number struck off to enable members to distribute them among their constituents.<sup>162</sup> He said he was willing to pay the cost of printing a few more than the usual number if any gentlemen thought it was incurring unnecessary expense. He could tell the member for Norfolk, that the time unnecessarily taken up by his speeches, cost far more than the printing of a few additional copies of his resolutions.<sup>163</sup>

MR. H. BOULTON said, it was a question of privilege to which he had called the attention of the House.<sup>164</sup> ((He)) maintained that no member had the right of ordering a larger number to be printed without the authority of the House.<sup>165</sup> The set of resolutions to which the Commissioner of Crown Lands attached so much importance, he must say, was the most miserable production which had ever been concocted since the Province had had a Parliament, and, as a literary production, would disgrace a schoolboy. There were only one or two of them that were of any importance whatever.<sup>166</sup> ((He)) twitted Mr. Price ... with the late expensive trip<sup>167</sup> to the Welland Canal<sup>168</sup> and the disgraceful scenes of legislative intoxication on board the "Pollywag", which he understood from the hon. member had taken place.<sup>169</sup> He was proceeding further but was called to order.<sup>170</sup>

MR. W. BOULTON asked what had become of the rest of the printed resolutions. He had had only three laid on his desk--that made 250 copies:--where were the 750 left? Were they kept exclusively for the people of the Third Riding?<sup>171</sup>

MR. INSP. GEN. HINCKS said that the people of the country were most anxious to see what the Government had to propose on this subject--<sup>172</sup>.

Cries of hear, hear, and<sup>173</sup> "is this a Government measure?"<sup>174</sup>

MR. INSP. GEN. HINCKS said no (loud cheering and laughter)<sup>175</sup>. The gentleman continued; he had certainly made a slip<sup>176</sup> of the tongue.<sup>177</sup> What he meant

to say, was, whether it came from the Government or from a member of it, he believed it would be supported by every member<sup>178</sup> of the administration from Upper Canada<sup>179</sup> and by a good many from Lower Canada. As to the number printed, he had received but three copies--but he supposed that was all that had been struck off. He (Mr. B.) would get his share as well as any member.<sup>180</sup> There was a general complaint that members could not get a sufficient number of copies of important Bills. It was very little expense to strike off a few more copies when the type was up<sup>181</sup>. Several times last year, Bills had to be re-set, at a great cost, on account of members wishing to circulate more than had originally been printed.<sup>182</sup>

MR. H. SHERWOOD complained of the irregularity.<sup>183</sup> Any member on their side of the House could not go and give orders to have a certain number printed, and he did not think members of the Government ought either, without the sanction of the House.<sup>184</sup> When any document had to be printed, the member having it in charge must do as the House should order; and no member of the government had a right to interfere, as in the present case, in a manner quite unjustifiable.<sup>185</sup> He had, during last Session, wished a number of copies of that obnoxious bill--the Rebel paying one--<sup>186</sup> which, it would be admitted, excited no little interest in the Province,<sup>187</sup> to be distributed in Upper Canada, and these given for the people to consider it, and it was not granted<sup>188</sup> and measures even were taken to prevent those which were printing (sic) from circulating in C.W.<sup>189</sup>

MR. COM. CR. LANDS PRICE did not know how gentlemen ascertained the number of copies that had been printed; but he understood the object which they had in view. It was quite common, however, for members to move resolutions which they had presented without any authority.<sup>190</sup>

MR. PAPINEAU had so much reason to complain of ministers that he<sup>191</sup> was not so fretful as to find fault with the number of copies that had been printed, for the purpose of affording information and explanation. The Clergy Reserves, he said, had excited much attention in Upper Canada, and had been an evil and a curse to the country, and it would be very surprising and deplorable, if the House should come to any determination at variance with popular feeling on the subject; and, if that which was wished for were denied, it would create angry feelings among the people of the Upper Province. He was only surprised that, when one member of the administration had had an extra number of copies printed, the others should stand aloof, and offer no excuse for his having done so. In a matter of so much importance, he was willing to excuse what had been done; and hoped the hon. gentleman would not be more mischievous on other occasions than he had been in this instance.<sup>192</sup>

MR. CHRISTIE said, it frequently happened that Bills of considerable importance could not be printed. He did not see any necessity for an extra number of copies of the resolutions. The expense of printing was becoming enormous. We understood him to say that it amounted to £13,000 for the Legislature. In this instance, he considered it throwing away the public money. They were going on, he said, most extravagantly. The contingencies and other expenses, he said, fall very little short of £44,000 annually. The hon. gentleman had no right to incur this additional expense without the sanction of the House.<sup>193</sup>

The postponement was carried.<sup>194</sup>

FOOTNOTES: 11 JUNE 1850.

1. The debate on this matter was reported by: BRITISH COLONIST, 14 June 1850; and BRITISH WHIG, 15 June 1850. A commentary appeared in BRITISH COLONIST, 14 June 1850.
2. BRITISH WHIG, 15 June 1850.
3. IBID.
4. IBID.
5. IBID.
6. BRITISH COLONIST, 14 June 1850.
7. IBID.
8. IBID.
9. The following papers reported the debate on this matter in identical accounts: NORTH AMERICAN, 14 June 1850, EXAMINER, 19 June 1850, BATHURST COURIER, 21 June 1850; MONTREAL GAZETTE, 15 June 1850, PILOT, 18 June 1850, and PACKET, 22 June 1850. The debate was also reported by: BRITISH COLONIST, 14 June 1850; BRITISH WHIG, 15 June 1850; and LA MINERVE, 17 June 1850.
10. BRITISH WHIG, 15 June 1850.
11. NORTH AMERICAN, 14 June 1850.
12. BRITISH WHIG, 15 June 1850.
13. NORTH AMERICAN, 14 June 1850.
14. BRITISH WHIG, 15 June 1850.
15. NORTH AMERICAN, 14 June 1850.
16. BRITISH WHIG, 15 June 1850.
17. IBID.
18. NORTH AMERICAN, 14 June 1850, which wrongly identified the speaker as Mr. Cameron.
19. BRITISH WHIG, 15 June 1850.
20. NORTH AMERICAN, 14 June 1850.
21. MONTREAL GAZETTE, 15 June 1850.
22. NORTH AMERICAN, 14 June 1850.
23. MONTREAL GAZETTE, 15 June 1850.
24. IBID.
25. The following papers reported the debate on this matter in partially identical accounts: NORTH AMERICAN, 14 June 1850, MONTREAL GAZETTE, 18 June 1850, PILOT, 18 June 1850, EXAMINER, 19 June 1850, BATHURST COURIER, 21 June 1850, and PACKET, 22 June 1850. The debate was also reported by: BRITISH COLONIST, 14 June 1850; and MONTREAL TRANSCRIPT, 18 June 1850.
26. NORTH AMERICAN, 14 June 1850.
27. BRITISH COLONIST, 14 June 1850.
28. NORTH AMERICAN, 14 June 1850.
29. BRITISH COLONIST, 14 June 1850.
30. NORTH AMERICAN, 14 June 1850.
31. BRITISH COLONIST, 14 June 1850.
32. NORTH AMERICAN, 14 June 1850.
33. IBID.
34. BRITISH COLONIST, 14 June 1850.
35. NORTH AMERICAN, 14 June 1850.
36. BRITISH COLONIST, 14 June 1850.
37. NORTH AMERICAN, 14 June 1850.
38. IBID.
39. IBID.
40. IBID.
41. IBID.
42. IBID.
43. BRITISH COLONIST, 14 June 1850.
44. NORTH AMERICAN, 14 June 1850.



45. BRITISH COLONIST, 14 June 1850.
46. NORTH AMERICAN, 14 June 1850.
47. BRITISH COLONIST, 14 June 1850.
48. IBID.
49. NORTH AMERICAN, 14 June 1850.
50. IBID.
51. IBID.
52. IBID.
53. IBID.
54. BRITISH COLONIST, 14 June 1850.
55. IBID.
56. IBID.
57. IBID.
58. NORTH AMERICAN, 14 June 1850.
59. BRITISH COLONIST, 14 June 1850.
60. NORTH AMERICAN, 14 June 1850.
61. BRITISH COLONIST, 14 June 1850.
62. NORTH AMERICAN, 14 June 1850.
63. BRITISH COLONIST, 14 June 1850.
64. The following papers reported the debate on this matter in identical accounts: NORTH AMERICAN, 14 June 1850, EXAMINER, 19 June 1850, and BATHURST COURIER, 21 June 1850. The following papers reported the debate in partially identical accounts: BRITISH COLONIST, 14 June 1850, copied from GLOBE, of unknown date, HAMILTON SPECTATOR, 15 June 1850, ST. CATHARINES JOURNAL, 20 June 1850; MONTREAL GAZETTE, 15 June 1850, PILOT, 18 June 1850, and PACKET, 22 June 1850. The debate was also reported by: MONTREAL TRANSCRIPT, 18 June 1850; and LA MINERVE, 17 June 1850.
65. HAMILTON SPECTATOR, 15 June 1850.
66. MONTREAL GAZETTE, 15 June 1850.
67. HAMILTON SPECTATOR, 15 June 1850.
68. MONTREAL GAZETTE, 15 June 1850.
69. HAMILTON SPECTATOR, 15 June 1850.
70. IBID.
71. MONTREAL GAZETTE, 15 June 1850.
72. HAMILTON SPECTATOR, 15 June 1850.
73. IBID.
74. NORTH AMERICAN, 14 June 1850.
75. HAMILTON SPECTATOR, 15 June 1850.
76. MONTREAL GAZETTE, 15 June 1850.
77. HAMILTON SPECTATOR, 15 June 1850.
78. IBID.
79. NORTH AMERICAN, 14 June 1850.
80. HAMILTON SPECTATOR, 15 June 1850.
81. NORTH AMERICAN, 14 June 1850.
82. MONTREAL GAZETTE, 15 June 1850.
83. HAMILTON SPECTATOR, 15 June 1850.
84. IBID.
85. NORTH AMERICAN, 14 June 1850.
86. HAMILTON SPECTATOR, 15 June 1850.
87. IBID.
88. IBID.
89. IBID.
90. IBID.
91. NORTH AMERICAN, 14 June 1850.
92. HAMILTON SPECTATOR, 15 June 1850.
93. IBID.
94. IBID.

95. IBID.
96. IBID.
97. MONTREAL GAZETTE, 15 June 1850.
98. HAMILTON SPECTATOR, 15 June 1850.
99. IBID.
100. MONTREAL GAZETTE, 15 June 1850.
101. HAMILTON SPECTATOR, 15 June 1850.
102. MONTREAL GAZETTE, 15 June 1850.
103. HAMILTON SPECTATOR, 15 June 1850.
104. IBID.
105. IBID.
106. IBID.
107. IBID.
108. IBID.
109. NORTH AMERICAN, 14 June 1850.
110. HAMILTON SPECTATOR, 15 June 1850.
111. MONTREAL GAZETTE, 15 June 1850.
112. HAMILTON SPECTATOR, 15 June 1850.
113. MONTREAL GAZETTE, 15 June 1850.
114. HAMILTON SPECTATOR, 15 June 1850.
115. NORTH AMERICAN, 14 June 1850.
116. HAMILTON SPECTATOR, 15 June 1850.
117. NORTH AMERICAN, 14 June 1850.
118. HAMILTON SPECTATOR, 15 June 1850.
119. NORTH AMERICAN, 14 June 1850.
120. HAMILTON SPECTATOR, 15 June 1850.
121. NORTH AMERICAN, 14 June 1850.
122. IBID.
123. IBID.
124. IBID.
125. HAMILTON SPECTATOR, 15 June 1850.
126. NORTH AMERICAN, 14 June 1850.
127. HAMILTON SPECTATOR, 15 June 1850.
128. NORTH AMERICAN, 14 June 1850.
129. HAMILTON SPECTATOR, 15 June 1850.
130. NORTH AMERICAN, 14 June 1850.
131. HAMILTON SPECTATOR, 15 June 1850.
132. NORTH AMERICAN, 14 June 1850.
133. HAMILTON SPECTATOR, 15 June 1850.
134. MONTREAL GAZETTE, 15 June 1850.
135. NORTH AMERICAN, 14 June 1850.
136. HAMILTON SPECTATOR, 15 June 1850.
137. IBID.
138. IBID.
139. MONTREAL GAZETTE, 15 June 1850.
140. NORTH AMERICAN, 14 June 1850.
141. HAMILTON SPECTATOR, 15 June 1850.
142. IBID.
143. IBID.
144. NORTH AMERICAN, 14 June 1850.
145. HAMILTON SPECTATOR, 15 June 1850.
146. The following papers reported this speech in identical accounts: BRITISH COLONIST, 14 June 1850, and HAMILTON SPECTATOR, 15 June 1850. The debate was also reported by BRITISH WHIG, 15 June 1850.
147. BRITISH WHIG, 15 June 1850.
148. BRITISH COLONIST, 14 June 1850.

149. BRITISH WHIG, 15 June 1850.
150. The following papers reported the debate on this matter in identical accounts: NORTH AMERICAN, 14 June 1850, EXAMINER, 19 June 1850, BATHURST COURIER, 21 June 1850; MONTREAL GAZETTE, 15 June 1850, PILOT, 18 June 1850, PACKET, 22 June 1850; MORNING CHRONICLE, 17 June 1850, copied from MONTREAL HERALD, of unknown date, and LA MINERVE, 17 June 1850. The debate was also reported by: BRITISH WHIG, 15 June 1850; and MONTREAL TRANSCRIPT, 18 June 1850.
151. KENT ADVERTISER, 20 June 1850.
152. MONTREAL TRANSCRIPT, 18 June 1850.
153. KENT ADVERTISER, 20 June 1850.
154. BRITISH WHIG, 15 June 1850.
155. KENT ADVERTISER, 20 June 1850.
156. NORTH AMERICAN, 14 June 1850.
157. IBID.
158. BRITISH WHIG, 15 June 1850.
159. KENT ADVERTISER, 20 June 1850.
160. BRITISH WHIG, 15 June 1850.
161. MORNING CHRONICLE, 17 June 1850.
162. KENT ADVERTISER, 20 June 1850.
163. BRITISH WHIG, 15 June 1850.
164. KENT ADVERTISER, 20 June 1850.
165. BRITISH WHIG, 15 June 1850.
166. KENT ADVERTISER, 20 June 1850.
167. MORNING CHRONICLE, 17 June 1850.
168. MONTREAL GAZETTE, 15 June 1850.
169. MORNING CHRONICLE, 17 June 1850.
170. MONTREAL GAZETTE, 15 June 1850.
171. MORNING CHRONICLE, 17 June 1850.
172. IBID.
173. BRITISH WHIG, 15 June 1850.
174. MORNING CHRONICLE, 17 June 1850.
175. IBID.
176. BRITISH WHIG, 15 June 1850.
177. KENT ADVERTISER, 20 June 1850.
178. BRITISH WHIG, 15 June 1850.
179. KENT ADVERTISER, 20 June 1850.
180. BRITISH WHIG, 15 June 1850.
181. NORTH AMERICAN, 14 June 1850.
182. BRITISH WHIG, 15 June 1850.
183. MONTREAL GAZETTE, 15 June 1850.
184. BRITISH WHIG, 15 June 1850.
185. KENT ADVERTISER, 20 June 1850.
186. BRITISH WHIG, 15 June 1850.
187. KENT ADVERTISER, 20 June 1850.
188. BRITISH WHIG, 15 June 1850.
189. MORNING CHRONICLE, 17 June 1850.
190. KENT ADVERTISER, 20 June 1850.
191. MORNING CHRONICLE, 17 June 1850.
192. KENT ADVERTISER, 20 June 1850.
193. IBID.
194. MORNING CHRONICLE, 17 June 1850.



WEDNESDAY, 12 JUNE 1850.

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St. Lawrence  
Inland Marine  
Assurance  
Company.  
Quebec Sav-  
ings Bank.

MR. SPEAKER laid before the House, a Return of the Affairs of the St. Lawrence Inland Marine Assurance Company, for the year 1849.

Also, Statement of the Affairs of the Quebec Provident and Savings Bank, for the year ending 1st March, 1850.

La Banque  
du Peuple.

And also, Statement of the Affairs of "La Banque du Peuple," to 8th June, 1850.

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Appendix (H.)

For the said Return and Statements, see Appendix (H.)

Petitions  
brought up.

The following Petitions were severally brought up, and laid on the table:--

By Mr. DeWitt,--The Petition of the Reverend James Hutton and others, the Minister, Church Wardens and members of the Church of England at Russelltown.

By Mr. Duchesnay,--The Petition of the Reverend Richard Lewis, Minister, and others, Wardens and members of the Church of England at Portneuf.

By Mr. Taché,--The Petition of Augustin Vallières, President, and others, the Vice-President, officers and members of the Teachers' Library Association of Quebec; and the Petition of Augustin Vallières, President, and others, on behalf of the Teachers of the City of Quebec.

By Mr. Fergusson,--The Petition of Benjamin Thurtell, Esquire, Warden of the County of Waterloo.

By Mr. Chabot,--The Petition of the Mayor and Councillors of the City of Quebec; and the Petition of the Honorable L. Massue and others, Officers and Members of La Société de St. Jean Baptiste of Quebec.

By Mr. Ross,--The Petition of the Reverend H. A. Dupuis and others, of Halifax and other Townships, in the County of Megantic; the Petition of J. Johnston, Esquire, and others, of Halifax and other Townships in the County of Megantic; and the Petition of the Reverend J. Torrance and others, the Minister and members of the Church of England at Pointe Levi, Lower Canada.

By Mr. Prince,--The Petition of Robert Lachlan, of Colchester, County of Essex, Esquire.

By the Honorable Mr. Merritt,--The Petition of Daniel Wiers and others, freeholders, and others, of Upper Canada; and the Petition of Hope Macniven and others, of the Town of St. Catharines.

By the Honorable Mr. Cameron of Cornwall,--The Petition of John G. Weir, Townreeve, in behalf of the Municipality of the Township of Raleigh.

By Mr. Richards,--The Petition of Michael Rape and others, Trustees of the Roman Catholic separate School of School Section No. 10, in the Township of Kitley.

By the Honorable Mr. Sherwood,--The Petition of M.R. Jukes and others, of the Townships of Dunn and South Cayuga.

By Mr. Morrison,--The Petition of G. Jordan, Esquire, and others, of Port Robinson and its vicinity.

By Mr. Cauchon,--The Petition of the Officers, Clerks, and Servants of this House.

Petitions read.

Pursuant to the Order of the day, the following Petitions were read:--

Of Joseph Allen and others, of the Township of Osgoode, District of Dalhousie; praying for the repeal of a certain part of the Act for regulating the survey of the said Township, and that the posts now set for the broken front therein des-

cribed be considered lawful posts.

Of Louis Marchand, Esquire, and others, of St. Johns; and of M.J. Arcand and others, of the Parish of St. Athanase, County of Rouville; praying for an investigation into the affairs and tariff of the Champlain and St. Lawrence Railroad Company, and that increased powers be not granted to the said Company.

Of the Reverend J. Gravel and others, of the Parish of St. Athanase, County of Rouville; and of L. A. Desrochers and others, members of the Temperance Society of the Parish of St. Paschal; praying that certain measures be adopted for the suppression of intemperance.

Of Horatio LeBoutillier and others, Merchants, Fishermen, Tradesmen, and Landholders, of the District of Gaspé; praying that encouragement be extended to the Fisheries of Gaspé, by abolishing the duties now imposed upon certain articles used in that branch of the Provincial commerce.

MR. CHRISTIE, on presenting a petition from a large number, upwards of three thousand individuals, inhabitants of the District of Gaspé, praying for protection and encouragement to the Fisheries, stated that he would avail himself of the occasion to express to the government and the house the gratitude of those he had the honor to represent, for the seasonable supply in seed and grain and potatoes, sent them last spring in virtue of the liberal grant of a £1000 voted by the Assembly for the purpose last session. These supplies, he said, had reached them in due time, and by the favour of a bountiful Providence had been productive of an abundant harvest. The happy consequence was, that where famine and desolation during the ensuing winter were expected, there had been an abundance of food, and comfort had prevailed, as he was informed, generally throughout the district. The inhabitants were grateful to the Legislature for the relief afforded them on the occasion alluded to, and it was to him an agreeable duty to acknowledge their gratitude for it, which he accordingly now did.<sup>1</sup>

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Of Césaire Germain and others, of the County of Terrebonne; praying that the meetings of the Municipal Council of the said County be held at the Village of Terrebonne instead of the Village of Ste. Thérèse.

Of George Rowe, Esquire, and others, of the Township of Stamford; praying that the funds accruing from the Clergy Reserves and Rectories be applied to purposes of general education and public improvement.

Of John McMicking, Esquire, and others, of the village and neighbourhood of Stamford, County of Welland; praying that measures be adopted to insure the inspection and proper management of Private Asylums for insane persons in Upper Canada.

Of the Municipality of the Township of Puslinch; praying that the funds accruing from the Clergy Reserves and Rectories be appropriated to the purposes of general education and public improvement.

Of Mrs. Charlotte Sherwood and other Catholic Ladies of the City of Toronto; praying for aid in support of an Asylum for the reception of orphans and destitute children.

Of F.E. Globensky, Mayor, and others, Municipal Councillors of the Village of St. Eustache, County of Two Mountains; praying for certain amendments to the Municipal Corporations Act 10 and 11 Vic. cap 7.

Of the Municipality of the Township of Oneida; praying that no part of the Township of Seneca be separated from the County of Haldimand.

Petition of J. G. Gilman  
and others;  
Of J. Pierson  
and others;  
Of R.S. Woods  
and others;  
Of J. Sleight-

Ordered, That the Petition of John G. Gilman and others, of the County of Stanstead; the Petition of James Pierson and others, of the third concession of the Township of Hillier, County of Prince Edward; the Petition of R. Stuart Woods and others, of the Towns of Sandwich and Windsor; the Petition of James Sleightholm, President, and others, the Directors and Stockholders of the Albion Road Company; and the Petition of Joseph Allen and



holm and  
others;  
Of J. Allen  
and others;

others, of the Township of Osgoode, District of Dal-  
housie, be referred to the Standing Committee on  
Standing Orders.

Of L. Ridout  
and others;

Ordered, That the Petition of Lionel Ridout and others, of  
the Town of London, be referred to the Standing Committee  
on Railroads and Telegraph Lines.

Of the Mun:  
Coun: of  
Norfolk;

Resolved, That the Petition of the Municipal Council of the  
County of Norfolk, be referred to a Select Committee,  
composed of the Honorable Mr. Boulton, the Honorable Mr.  
Hincks, Mr. Hopkins, Mr. Thompson, and the Honorable Mr.

Cameron of Kent, to examine the contents thereof, and to report thereon with all  
convenient speed; with power to send for persons, papers, and records.

Of G. Poapst  
and others;

Resolved, That the Petition of George Poapst and others, of  
the ninth concession of Cornwall, be referred to a Select  
Committee, composed of Mr. McLean, the Honorable Mr.

Price, Mr. Stevenson, Mr. McConnell, and Mr. Crysler, to examine the contents  
thereof, and to report thereon with all convenient speed, by Bill or otherwise;  
with power to send for persons, papers, and records.

Of the Pro-  
visional Mun:  
Council of  
Haldimand;

Resolved, That the Petition of the Provisional Municipal  
Council of the County of Haldimand, (new Township,) be  
referred to a Select Committee, composed of Mr. Thompson,

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the Honorable Mr. Price, Mr. Smith of Wentworth, Mr. McFarland, and Mr. Johnson,  
to examine the contents thereof, and to report thereon with all convenient speed;  
with power to send for persons, papers, and records.

Of the Muni-  
cipalities  
of Dunn;  
Walpole;  
North Cayuga;  
South Cayuga;  
Oneida;  
and Seneca;  
Of M. Harcourt  
and others;  
Of J. Yokom  
and others;  
Of J. Jarron  
and A.P. Far-  
rell, referred.

Ordered, That the Petition of the Municipality of the Town-  
ship of Dunn; the Petition of the Municipality of the  
Township of Walpole; the Petition of the Municipality of  
the Township of North Cayuga; the Petition of the Muni-  
cipality of the Township of South Cayuga; the Petition  
of the Municipality of the Township of Oneida; the Petition  
of the Municipality of the Township of Seneca; the Peti-  
tion of M. Harcourt and others, of the Township of Seneca;  
the Petition of John Yokom and others, of the Township  
of Seneca, County of Haldimand; and the Petition of John  
Jarron, Townreeve, of the united Townships of Moulton and  
Sherbrooke; and of Agnew P. Farrell, Townreeve of the  
Township of Dunn, be referred to the said Committee.

St. John's  
Academy Bill.

Ordered, That Mr. Lacoste have leave to bring in a Bill to  
incorporate the St. John's Academy.

He accordingly presented the said Bill to the House, and the same was re-  
ceived and read for the first time; and ordered to be read a second time, on  
Monday next.

Quebec and  
St. Andrew's  
Railway Bill.

Ordered, That Mr. Chauveau have leave to bring in a Bill to  
incorporate the Quebec and St. Andrew's Railway Company.

He accordingly presented the said Bill to the House, and the same was re-



ceived and read for the first time; and ordered to be read a second time, on Monday next.

Mill Owners  
Bill.

Ordered, That Mr. Richards have leave to bring in a Bill for the protection of Mill Owners in Upper Canada.

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time, on Wednesday next.

Capital Pun-  
ishment Bill.

Ordered, That Mr. Richards have leave to bring in a Bill to amend the Criminal Law in relation to Capital Punishment.

He accordingly presented the said Bill to the House,

MR. RICHARDS ... proposes that whenever a person is sentenced to death, hard labour in the Provincial Penitentiary shall form part of the punishment, till the sentence is executed; that the sentence shall not be executed till one year after sentence has been passed, and then only by a warrant issued by the Governor, under the Great Seal of the Province; and that all persons now under sentence of death shall be conveyed to the Penitentiary and put to hard labour till the expiration of one year from the passing of the sentence, and till the sentence is executed.<sup>2</sup>

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and the same was received and read for the first time; and ordered to be read a second time, on Wednesday, the nineteenth instant.

Joint Stock  
Road Com-  
panies (L.C.)  
Bill.

Ordered, That Mr. Jobin have leave to bring in a Bill to amend the Act for establishing Joint Stock Companies for constructing Roads and other Works in Lower Canada.

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time, on Monday next.

Winter Roads  
Bill.

Ordered, That Mr. Gugy have leave to bring in a Bill to repeal the Acts and Ordinances in force in Lower Canada, relative to the Winter Roads, and to make the said Roads of uniform

breadth throughout this Province.

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time, on Wednesday, the twenty-sixth instant.

First Report on  
Contingencies.

Mr. DeWitt, from the Standing Committee on Contingencies, presented to the House the First Report of the said Committee; which was read, as followeth:--

Your Committee, in pursuance of the duties assigned them, have proceeded to examine the Accounts of the ordinary and contingent expenses of Your Honorable House, from the 1st of January, 1849, to the 18th of May last, as laid by the Clerk before Your Committee, together with the vouchers produced in support of the accounts, and find the whole expenses for that period (rather over sixteen months and a half) to amount to Forty-three thousand seven hundred and twenty-three pounds two shillings and one penny, Currency, made up of the following items:--

1. Indemnity to Members (12 Vic. c.33). . . . .	£10614	3	0
2. Salaries to Officers (exclusive of the amounts paid by warrant, £1,600 more,) . . . . .	6704	7	3
3. Extra Writers and Messengers . . . . .	3311	17	6
4. Witnesses before Committees . . . . .	439	6	0
5. Library . . . . .	1227	18	4 $\frac{1}{2}$
6. Printing and Binding . . . . .	13242	10	10 $\frac{1}{2}$
7. Stationery . . . . .	1983	7	0 $\frac{1}{2}$

8. Tradesmen, &c., including £3,086 2s. 4d.			
for Postages . . . . .	4785	14	0½
9. Newspapers and Publishing . . . . .	293	14	3
10. Petty expenses, and other incidental charges . . . . .	1120	3	9

Leaving a balance of Four hundred and eighty pounds and eleven pence, in the Clerk's hands on the 18th of May last, on the monies advanced to him from the Treasury, from the 12th of February, 1849, to the 21st March, 1850, together with the balance previously on hand on the 1st of January, 1849, of Four hundred and five pounds six shillings and nine pence, and the further amount of Eight hundred and forty pounds by him received during the last Session on forty-two private Bills, at £20 each, constituting, by the Accounts, a total of Forty-four thousand two hundred and three pounds three shillings, for which he has accounted.

The sixth item (£13,242 10s. 10½d.) in the above is made up of the following charges, viz:--

For Sessional Papers and Bills . . . . .	£8219	1	11½
Lithographing (Observatory at Quebec, &c.) . . . .	155	0	0
Brokers' Circular, by order of the House . . . . .	62	10	0
Printing English Journal and Appendix . . . . .	1767	17	0
Printing French do do . . . . .	1617	1	5
Binding French do do . . . . .	126	18	4
Binding English do do . . . . .	263	6	8
Printing Paper . . . . .	1030	15	6

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£13,242 10 10½

In the first item of the above, however, are included Six hundred and eighty-one pounds six shillings and ten pence half-penny, for Sessional Printing that had remained due from the previous Session. For the payment of all these sums Vouchers have been produced; but it is the duty of Your Committee to except in a few instances to certain charges included in them. They find that Forty-nine pounds seventeen shillings and six pence have been paid to Robert Bailie, a Messenger of Your Honorable House, at 7s. 6d. a day, for extra service, in being, during the last Session, the bearer daily to His Excellency the Governor General's residence at Monklands, of the Clerk's Report of the proceedings of Your Honorable House to His Excellency, in conformity with the Rule thereof to that effect. For this service an allowance of 7s. 6d. a day, in addition to the like daily wages allowed him as a Messenger, has been paid him for the whole Session, consisting

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of 133 Days, with the further allowance of Two pounds ten shillings, tolls in passing and repassing through the turnpike or toll-gate, and thirteen shillings and nine pence, for extra cartage to Cabmen employed by him at different times, making a total for this extra service of Fifty-three pounds one shilling and three pence. Your Committee, considering that Mr. Bailie was already in receipt of 7s. 6d. per diem as a Messenger, are of opinion that the additional daily allowance is excessive, and that 3s. 9d. per day, would adequately have remunerated him for it; and accordingly recommend that the Clerk be allowed to take credit only for an amount computed at that rate on 133 days, together with the tolls Two pounds ten shillings, and extra cartage, thirteen shillings and nine pence, actually disbursed by him.

There is an account amounting to One hundred and six pounds sixteen shillings and nine pence, of Messrs. R. & A. Miller, for freight of Journals and Appendixes to Toronto, and intermediate places, Bytown, Quebec, and intermediate places, including the Eastern Townships, and to places below Quebec. The account contains also a charge of Twelve pounds ten shillings, for rent of an Office for six months,



and storage; Five pounds for delivering Journals and Appendixes in Montreal, and Twenty-two pounds for their "time in attending to the packing, addressing, despatching ditto," making together an amount of Thirty-nine pounds ten shillings, deemed by Your Committee an inadmissible charge, and which, if at all chargeable upon the Contingencies, ought not in their estimation to have exceeded Five pounds, an amount fully adequate, as they believe, to requite the whole extra services performed by the individuals in question, incidentally to the contract or work they had in hand from Your Honorable House.

Your Committee have to call the attention of Your Honorable House to the heavy and unnecessary, as Your Committee deem it, expense annually incurred for the publication of certain Standing Orders or Rules of the House, in various of the public newspapers of the Province. Accounts to the amount of One hundred and fifty pounds, for publishing those Rules in only seven public Journals, in course of the late Recess, have already come to hand; they are as follow:--

The <u>Canada Gazette</u> , in both languages,	£24	14	0
The <u>Canadien</u> in French, . . . . .	18	18	0
<u>La Minerve</u> , in French, . . . . .	20	12	6
<u>Journal de Québec</u> , in French, . . . . .	27	14	5
The Transcript in English, . . . . .	31	6	8
The Colonist, in English, . . . . .	18	18	1
The Pilot, in English, . . . . .	28	4	5

And there are others yet to come, that will probably swell the amount to upwards of Two hundred pounds. This item, if not checked, will annually increase without producing any corresponding public good. The charges arising from the publications in question are, in fact, already become abusive and onerous, and Your Committee, to put an end to and prevent the recurrence in future, recommend that such of the Standing Orders or Rules of Your Honorable House as heretofore have been published by the Clerk for the public information, previous to the annual meeting of the Legislature, be hereafter published only in the "Canada Gazette" issued by authority, and but once a month; the first publication being made not sooner than after the expiration of the six months next following the last preceding Session of the Legislature, and to be continued from month to month to that, inclusively, in which the Session shall take place. Your Committee have given directions that besides the six copies of the different Newspapers taken during the Session for the use of Members, another copy of each be taken for the year, and regularly filed, in order that at the end of this and each successive year the files be bound up in separate volumes, and deposited in the Library as records of passing events for future reference; and that after the present Session no more than three copies of each Newspaper be ordered for the use of Members during the Session.

The balance unexpended in the Clerk's hands of the monies advanced him during the last Session, and subsequently on account of the Contingencies, being on the 18th May last, Four hundred and eighty pounds and eleven pence, it becomes necessary that, the sum being now absorbed, and a considerable amount due on Contingencies, a further advance be made.

Your Committee consequently recommend that the sum of Five thousand pounds, towards part payment of the Contingencies of Your Honorable House during the present Session, be advanced to the Clerk; and that an humble Address to His Excellency for the purpose be accordingly presented.



Account Current of William Burns Lindsay, Esquire, Clerk of the Legislative Assembly, of the Monies received and disbursed by him, as Contingencies, from 1st January, 1849, to 18th May, 1850, inclusive.

	Receipts.						
		£	s.	d.	£	s.	d.
January 1, 1849	To Balance in hand . . . . .						
February 12, do	To Warrant No. 6905, Address 8th February, 1849				405	6	9
March 23, do	do do 21st March, 1849 . . . . .				5000	0	0
May 5, do	do do 4th May, 1849 . . . . .				5000	0	0
do 30, do	do do Members' Indemnity Act . . . . .				3000	0	0
do 31, do	do do Address 30th May, 1849 . . . . .				11421	3	0
June 22, do	do do do . . . . .	4000	0	0			
do do	To Amount retained by Government, to pay the Post Office Account, . . . . .	1936	8	0			
do do	To Warrant No. 7706, Address 30th May, 1849 . . . . .	1149	14	4			
July 19, do	do do do . . . . .	2000	0	0			
August 25, do	do do do . . . . .	2000	0	0			
September 26, do	do do do . . . . .	1000	0	0			
December 8, do	do do do . . . . .	1313	10	11			
		2000	0	0			
do 18, do	do 9247, Mr. Speaker's Letter . . . . .				15399	13	3
March 21, 1850	do 79, do . . . . .				1250	0	0
2nd Session, 3rd Parliament. . .	To Amount of Fees on 42 Private Bills, at £20 each . . . . .				1887	0	0
					840	0	0
					£44203	3	0

	Disbursements.				
		£	s.	d.	£ s. d.
	By Paid A.--Indemnity to Members, 12 Vic. cap. 33 . .	10614	3	0	
	do B.--Salaries to Officers . . . . .	6704	7	3	
	do C.--Extra Writers and Messengers . . . . .	3311	17	6	
	do D.--Witnesses before Committees . . . . .	439	6	0	
	do E.--Library . . . . .	1227	18	4 $\frac{1}{2}$	
	do F.--Printing and Binding . . . . .	13242	10	10 $\frac{1}{2}$	
	do G.--Stationery . . . . .	1983	7	0 $\frac{1}{2}$	
	do H.--Tradesmen, &c., including Postage . . . . .	3635	19	8 $\frac{1}{2}$	
	do I.--Newspapers and Publishing . . . . .	293	14	3	
	do J.--Petty expenses, and other Incidental charges . . . . .	1120	3	9	
	By Balance of Post Office Account, settled by Government . . . . .				42573 7 9
May 18, 1850	By Balance in hand of Clerk . . . . .				1149 14 4
					480 0 11
					£44203 3 0
May 18, 1850	To Balance in hand of the Clerk . . . . .				£480 0 11

E.E.

Wm. B. Lindsay, Clerk, Assembly.Thomas Vaux, 2nd Office Clerk and Accountant.

NOTE.--The Balance in the hands of the Clerk of £480 0s. 11d., is in part met by the sum of £208 15s. being carried forward as disbursements in the new Account: the said sum of £208 15s. being on account to Officers and Servants of the House.

Balance . . . . .	£480	0	11
Paid on account . . . . .	208	15	0

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£271 5 11 actual balance in hands on 18th May, 1850.

Ordered, That the said Report be printed for the use of the Members of this House.

Ordered, That the said Report be committed to a Committee of the whole House, for Monday next.

On motion of Mr. DeWitt, seconded by Mr. Christie,

Contingencies. Resolved, That an humble Address be presented to His Excellency the Governor General, praying that His Excellency will be pleased to issue his Warrant in favor of William Burns Lindsay, Esquire, the Clerk of this House, for the sum of Five thousand pounds, currency, towards defraying the Contingencies of this House; and assuring His Excellency that this House will make good the same.

Ordered, That the said Address be presented to His Excellency the Governor General, by such Members of this House as are of the Honorable the Executive Council of this Province.

Cataragui Cemetery Bill. Ordered, That Mr. Smith of Frontenac have leave to bring in a Bill to incorporate the Cataragui Cemetery Company.

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time, on Wednesday next.

Petition of H. LeBoutillier and others. Ordered, That the Petition of Horatio LeBoutillier and others, Merchants, Fishermen, Tradesmen and Landholders, of the District of Gaspé, be printed for the use of the Members of this House.

Foreign Merchant Vessels Bill. The Order of the day for the House in Committee on the Bill to extend certain Provincial Acts to Foreign Merchant Vessels when within this Province, being read;

The House accordingly resolved itself into the said Committee.  
Mr. Smith of Durham took the Chair of the Committee;<sup>3</sup>

MR. INSP. GEN. HINCKS explained for the information of those gentlemen who had not been present when the Bill was read a second time, that information had been received by the Government that foreign ship masters had suffered severely by the desertion of their seamen at the Port of Quebec, and although a law is at this moment in force respecting British seamen, it appeared to be the general wish to extend the provisions affecting British seamen so as to extend to all others.<sup>4</sup>

(62)

and after some time spent therein,

Mr. Speaker resumed the Chair;

And Mr. Smith of Durham reported, That the Committee had gone through the Bill, and directed him to report the same, without amendment.

Ordered, That the Bill be engrossed; and read the third time to-morrow.

Great Western Railroad Stock Bill. The Order of the day for the third reading of the engrossed Bill to empower Municipal and other Corporations to subscribe for Stock of the Great Western Railroad Company, or otherwise to aid in completing that undertaking, being read;<sup>5</sup>

SIR A. MACNAB moved the third reading of the Bill to enable Municipal Corporations to take stock in the Western Railroad Company.<sup>6</sup>

MR. CAUCHON opposed the principle by which Municipal bodies should have the right of contracting heavy and perhaps ruinous debts, which they would have no means of discharging. He desired as a check that no corporation should obtain the power of taking stock in this manner until it petitioned the House, and that a



clause should be inserted in the Bill granting that power, that some provision should be made for the payment of interest and principal within a limited time.<sup>7</sup>

MR. AT. GEN. BALDWIN said that this Bill virtually repealed a clause which received the unanimous assent of the House last Session, that no corporation should be allowed to contract debts without making provision by assessment for paying them off within twenty years.<sup>8</sup> If the door were now opened, through this Act, for them to get into debt, they would in a short time be in the same position that some American towns were in, a few years since, when they were sold out, stock and barrel, by the Sheriff. He therefore hoped the hon. member would see the necessity of amending the Bill in that respect.<sup>9</sup> He questioned the policy of extending the privilege to corporations.<sup>10</sup>

SIR A. MACNAB moved<sup>11</sup> for the purpose of acceding to the Attorney General's wishes<sup>12</sup> that the order for the third reading of the Bill be discharged, in order that the Bill be re-committed.<sup>13</sup>

(62)

*Ordered, That the said Order of the day be discharged; and that the Bill be committed to a Committee of the whole House.*

*Resolved, That this House will immediately resolve itself into the said Committee.*

*The House accordingly resolved itself into the said Committee.*

*Mr. Ross took the Chair of the Committee;*

A long discussion then arose as to the propriety of conferring on townships and villages the right of taxing stock in railroads.<sup>14</sup>

MR. COM. PUB. WORKS MERRITT was in favour of extending the privilege to Corporations under the present restrictions. If they were required to provide the means of paying off a debt at the time of contracting it, there was no fear they would go wrong.<sup>15</sup>

MESSRS. RICHARDS and THOMPSON opposed the grant of such power, as it would enable a few rash or speculating men, in a small neighbourhood, to plunge their localities into inextricable embarrassments.<sup>16</sup>

MESSRS. W. BOULTON, H. SHERWOOD, CHAUVEAU, CARTIER, HOLMES, and MR. SOL. GEN. DRUMMOND, contended for the Bill in its present shape, maintaining that the municipal authorities would take good care not to subject themselves to taxation by taking railroad stock, unless they were convinced that it would be for their benefit.<sup>17</sup>

MR. SOL. GEN. DRUMMOND spoke in favor of extending the privilege to municipalities. He believed the very existence of Canada depended upon our carrying out railroads.<sup>18</sup>

MR. HOLMES expressed himself favorable to extending the privilege to municipalities. Members were very much afraid of entrusting any power to the constituents, who were better able to decide upon most matters than their representatives.<sup>19</sup>

MR. CARTIER said the Montreal and Portland railroad owed its progression to the operation of this principle, which was not new; but had long been in operation in the United States, with the very best results.<sup>20</sup>

MR. INSP. GEN. HINCKS had prepared an amendment to limit this power to<sup>21</sup> all except township municipalities<sup>22</sup> in order to reconcile the conflicting opinions of Hon. Members as much as possible.<sup>23</sup> It was not likely that if the power were conferred on these (townships) that they would use it.<sup>24</sup> The amendment however was not put to the vote.<sup>25</sup>

Mr. Hincks proposed an amendment to extend the preamble of the Bill, so as not to limit the operation of this Act to the Great Western Railroad merely.<sup>26</sup>

((This)) was passed by a large majority.<sup>27</sup>

SIR A. MACNAB ... ((moved)) an amendment ... bringing corporations under the provisions of the 127th Sec. of the Municipalities Act, which require corporations at the time of their contracting debts to provide the means of paying them off with interest within 20 years.<sup>28</sup>

This amendment ... ((was)) carried<sup>29</sup>.

(62)

and after some time spent therein,

Mr. Speaker resumed the Chair;

And Mr. Ross reported, That the Committee had gone through the Bill, and made amendments thereunto.

Ordered, That the Report be now received.

Mr. Ross reported the Bill accordingly; and the first amendment was read, and agreed to.

The next amendment being read a second time, as followeth:--After the word "Petition" at the end of the Preamble, insert the words "And whereas it is likewise expedient to enable the Municipal and other Corporations of this Province to aid in promoting the construction of other Railroads;"

And the Question being put, That this House doth concur with the Committee in the said amendment;

The House divided: and the names being called for, they were taken down, as follow:--

(63)

YEAS.

Messieurs Badgley, Bell, Boulton of NORFOLK, Boulton of TORONTO, Cameron of CORNWALL, Cameron of KENT, Cartier, Cayley, Chabot, Chauveau, Christie, Davignon, Dickson, Solicitor General Drummond, Fergusson, Flint, Jobin, LaTerrière, Laurin, Lemieux, Lyon, Solicitor General Macdonald, Macdonald of KINGSTON, Sir Allan N. MacNab, Malloch, McFarland, McLean, Meyers, Mongenais, Morrison, Papineau, Price, Prince, Robinson, Ross, Sherwood of TORONTO, Stevenson, Taché, Thompson, and Wilson.--(40.)

NAYS.

Messieurs Armstrong, Attorney General Baldwin, Bouthillier, Cauchon, Fortier, Marquis, Sauvageau, and Viger.--(8.)

So it was resolved in the Affirmative.

SIR A. MACNAB then moved a rider limiting the dividend of the company to 8 per cent.<sup>30</sup>

(63)

Ordered, That the Bill, with the amendments, be engrossed; and read the third time this day.

Hamilton Gas  
Light Bill.

An engrossed Bill to incorporate the City of Hamilton Gas  
Light Company, was, according to Order, read the third time.

Ordered, That the following engrossed Clause (A.) be added to the Bill, by way of Rider, and do follow the thirty-sixth Clause:

Clause (A.) "And be it enacted, that should the Common Council of the City of Hamilton decide, as they are hereby empowered to do, upon taking the whole of the Stock of the said Company, the Shareholders therein shall be and are hereby declared to be bound to surrender and transfer the whole of their respective shares unto the Corporation of the said City of Hamilton, upon the terms and conditions hereinafter set forth, that is to say; the said Corporation shall pay such an advance upon the shares as will cover the interest of the instalments paid previously



to the works of the Company having gone into operation, as well as any other loss of interest which the said Shareholders may have sustained by reason of the dividends not having been equal to the legal interest on their shares; and that the Corporation of the said City consent and agree that the charge made to consumers of Gas shall not exceed such price as will be sufficient to produce a net profit on the works of eight per centum, per annum; and if the Common Council of the said City shall so purchase the whole of the Stock of the said Company, they may in that case pay for the same out of any funds at their disposal not specially appropriated, or may raise money by loan or by debentures, in like manner as they are empowered to raise money which they are duly empowered to borrow for any other purpose: Provided always, that the said Common Council, to be entitled to exercise the power hereby given them of taking the whole of the said Stock as aforesaid, shall take the same within fifteen years from the passing of this Act; and, in the event of their taking the same, the Corporation of the said City shall be, and is hereby bound to fulfil all the engagements to which the said Company may have previously entered into in respect to the carrying on of the business of the said Company, as well as its engagements with the mechanics, workmen, servants, and others, and the Company shall in all those respects be entirely relieved, exonerated, and held harmless from all claims, damages, and demands of all persons aforesaid by the Corporation of the said City of Hamilton; and, generally, the said Corporation shall have all the rights, and be subject to all the liabilities, of the said Company imposed by this Act, or lawfully contracted under it."

Resolved, That the Bill do pass, and the Title be, "An Act to incorporate the Hamilton Gas Light Company."

Ordered, That Sir Allan N. MacNab do carry the Bill to the Legislative Council, and desire their concurrence.

Saguenay  
Second Muni-  
cipal Coun-  
cil Bill.

An engrossed Bill to authorize the inhabitants householders holding lands in the new settlements on the borders of the Saguenay forming the second Municipal Division of that County, to establish a Municipal Council therein, and for other purposes, was, according to Order, read the third time.

Resolved, That the Bill do pass.

Ordered, That the Honorable Mr. LaTerrière do carry the Bill to the Legislative Council, and desire their concurrence.

Slander and  
Libel Law Bill.

Mr. Sauvageau reported the Bill to amend the Law relating to Slander and Libel; and the amendments were read, and agreed to.

Ordered, That the Bill, with the amendments, be engrossed; and read the third time, to-morrow.

Bill relating to  
Law Proceed-  
ings (U.C.)

The Order of the day for the second reading of the Bill to amend the Law, simplify the practice, and reduce the expense of legal proceedings in Upper Canada, being read;

The Bill was accordingly read a second time.<sup>31</sup>

A long, and rather stormy discussion then followed<sup>32</sup>.

(63)

Mr. Smith of Durham moved, seconded by Mr. Flint, and the Question being proposed, That the Bill be referred to a Select Committee, composed of Mr. Hall, Mr. Burritt, the Honorable Mr. Macdonald, Mr. Flint, Mr. Seymour, Mr. Richards, Mr. Solicitor General Macdonald, Mr. Wilson, and the mover, to report thereon with all convenient speed; with power to send for persons, papers, and records;

MR. SOL. GEN. MACDONALD moved, that the Hon. Mr. Cameron, of Cornwall, and Mr. Morrison be added to the said proposed Committee.<sup>33</sup>



MR. M. CAMERON (Kent) objected that the proposed committee contained six lawyers and only three laymen; and still worse that it had been proposed to add two more lawyers making eight in a committee of eleven, on a subject which, of all others, lawyers were personally most interested.<sup>34</sup>

MR. J. SCOTT (Bytown)<sup>35</sup> proposed that the hon. member for Norfolk should be added to the Committee, because he,<sup>36</sup> although a lawyer,<sup>37</sup> had shown that he was prepared to go as far as any one in favor of law reform.<sup>38</sup> ((He)) thought that lawyers were more interested in the Bill, and better able to judge of its provisions than any other class<sup>39</sup>.

MR. SOL. GEN. MACDONALD was as favorably disposed towards law reform as any member of the House, and he thought that reform could only be effected by those who understood our legal system; if members were placed on the Committee who knew nothing about the matter, they would injure the reform more than they could possible benefit it. He thought that as there were several measures on the subject before the House, the member for Durham would do well to withdraw his motion and allow the House to appoint a Committee to which all these bills might be referred.<sup>40</sup>

MR. FLINT ridiculed the idea of having as many lawyers on the Committee.<sup>41</sup>

MR. WILSON said the hon. member for Norfolk had proposed to abolish all legal forms, and that every man should be left to tell his own story in his own way in a court of justice. There was nothing new in that suggestion<sup>42</sup> as the member for Norfolk was well aware. It was a very old practice that was abandoned about a century ago.<sup>43</sup> Every one who knows anything about the matter, was aware that that system had materially lengthened legal proceedings. If defendants were precluded from pleading dilatory, false, and sham pleas, there would not be half the litigation in the country that there was now.<sup>44</sup>

MR. H. BOULTON, (Norfolk), complained that he had been misrepresented. He had never recommended the re-adoption of the old system of pleading. He complained of the proposal to place eight lawyers upon the Committee, and held that that non-professional men were equally well competent to judge upon the question<sup>45</sup> as lawyers<sup>46</sup> if it were put in intelligible language, and then denounced the jargon, which was used in legal proceedings.<sup>47</sup>

Ironical cheers from the lawyers.<sup>48</sup>

MR. H. BOULTON ((continued:)) Law Reform would be all a sham, if it was determined to shroud and mystify the whole thing in a legal jargon, and appoint committees nearly all lawyers. He proposed that before the parties go down to trial, both plaintiff and defendant should go before a judge and swear to the facts of the case.<sup>49</sup>

MR. WILSON opposed the proposal to place Mr. Boulton's name on the Committee. The hon. gentleman then went on to criticise the hon. member's Bill at some length.<sup>50</sup> He read over the bill lately introduced by the member for Norfolk, full of the most intricate legal jargon, which none but a lawyer could understand.<sup>51</sup>

Some discussion then ensued on the question whether the Committee should be nominated or ballotted.<sup>52</sup>

COL. PRINCE would refer it to a Committee of the whole.<sup>53</sup>

MR. STEVENSON said a reduction of costs was necessary, and cited several cases in support of his views, which we were unable to hear, the hon. gentleman speaking in so low a tone of voice.<sup>54</sup>

MR. MORRISON ... supported the idea of one Committee on the whole subject.<sup>55</sup>

SIR A. MACNAB approved of Mr. Smith's motion and the Solicitor General's amendment.<sup>56</sup>

COL. PRINCE did not think that the farmers were fit to act on the Committee.<sup>57</sup>

MR. SHERWOOD perfectly concurred in the motion of referring it to a Committee of the whole House. He thought it better than referring it to a select committee. He had given notice to-day of his intention to introduce a Bill on the same subject. His only object in now bringing it forward was that the country might see his views upon it. He then read a few clauses of it<sup>58</sup> limiting the costs in the Supreme Court to £20, and in the Court of Chancery to £15; and in a corresponding degree in the inferior Courts; which he said, he would lay before the Committee on Law Reform, which it was then proposed to appoint by the House.<sup>59</sup>

MR. INSP. GEN. HINCKS had one word to say on the subject. He would refer to a committee composed of two or three lawyers, and the same number of non-professional men, and they would then have their views upon it, and would be better able to decide.<sup>60</sup>

It was finally decided to resort to the ballot.<sup>61</sup>

(63)

*Mr. Prince moved in amendment to the Question, seconded by Mr. Wilson, That the words "composed of Mr. Hall, Mr. Burritt, the Honorable Mr. Macdonald, Mr. Flint, Mr. Seymour, Mr. Richards, Mr. Solicitor General Macdonald, Mr. Wilson, and the mover," be left out, and the words "of seven Members to be named by this House" inserted instead thereof;*

*And the Question being put on the Amendment; the House divided: and the names being called for, they were taken down, as follow:--*

YEAS.

*Messieurs Badgley, Attorney General Baldwin, Boulton of TORONTO, Bouthillier, Cameron of CORNWALL, Cameron of KENT, Cartier, Cauchon, Cayley, Chabot, Chauveau, Christie, Crysler, Davignon, DeWitt, Dickson, Solicitor General Drummond, Duchesnay, Dumas, Fournier, Guillet, Hall, Hincks, Holmes, Hopkins, Jobin, Lacoste, Laurin, Solicitor General Macdonald, Macdonald of KINGSTON, McConnell, McFarland, McLean, Méthot, Meyers, Mongenais, Morrison, Papineau, Polette, Price, Prince, Robinson, Ross, Sanborn, Scott of BYTOWN, Sherwood of BROCKVILLE, Sherwood of TORONTO, Stevenson, Taché, Viger, and Wilson.--(51.)*

NAYS.

*Messieurs Armstrong, Burritt, Flint, Lyon, Sir Allan N. MacNab, Richards, Sauvageau, Scott of TWO MOUNTAINS, Smith of DURHAM, and Smith of WENTWORTH.--(10.)*

*So it was resolved in the Affirmative.*

*Then the main Question, so amended, being put;*

*Resolved, That the Bill be referred to a Select Committee of seven Members to be named by this House, to report thereon with all convenient speed; with power to send for persons, papers, and records.*

*Ordered, That Mr. Smith of Durham, Mr. Wilson, the Honorable Mr. Cameron of Kent, the Honorable Mr. Boulton, the Honorable Mr. Cameron of Cornwall, Mr. Sherwood of Brockville, and the Honorable Mr. Attorney General LaFontaine, do compose the said Committee.*

(64)

Criminal Laws  
Consolidation  
Bill.

*The Order of the day for the second reading of the Bill to amend and consolidate the Criminal Laws of this Province, being read;*

*Ordered, That the Bill be read a second time, on Wednesday next.*

Code of Crim-  
inal Pro-  
cedure Bill.

*The Order of the day for the second reading of the Bill to establish a Code of Criminal Procedure in this Province, being read;*



*Ordered, That the Bill be read a second time, on Wednesday next.*

Meeting of  
Parliament  
Bill.

*The Order of the day for the second reading of the Bill to fix the time and place for the meeting of Parliament, being read;*

*The Honorable Mr. Boulton moved, seconded by Mr. Hopkins, and the Question being proposed, That the Bill be now read a second time;*<sup>62</sup>

MR. H. BOULTON said the bill which he had introduced involved a principle which contained four different propositions; and which he hoped a majority of the House would allow to be read a second time. One of the propositions contained in the bill was that the time and meeting of Parliament should be determined by law; which it might be said was a question affecting the prerogative of the Crown; but that should<sup>63</sup> never stand in the way of the substantial interests<sup>64</sup> and will of the people.--The prerogative with which the sovereign was invested, he said, had for its object the benefit of the people, and the calling together of Parliament belonged to a component part of the Legislature, which had one will. The learned gentleman here read an extract from Blackstone to show that the view he had taken of the question was a correct one. The House should bear in mind that the practice of assembling Parliament in England was uniform, and that the period chosen was always about the same time of the year. In this country the introduction of responsible government, as to which he did not intend making any observations, had produced this impropriety, that the meeting of the Provincial Parliament took place at various times, and generally at the remotest period which was allowed by law; and not so much for the benefit of the people as to suit the convenience of the Government<sup>65</sup> of the day<sup>66</sup> and nothing could be more inconvenient than was the period selected this year. Probably some excuse might be found in the fact, that Parliament was assembled here for the first time after a lapse of years, which might not occur again; and it required some time to make the necessary preparations. It was desirable however that such a period should not be chosen again, as several members were unable to attend to their legislative duties. It ought not therefore to be determined by the exercise of the prerogative of the Crown at what time Parliament should assemble, but it ought to be determined and fixed by law. In England, owing to long custom and usage, Parliament met at one uniform time, except when some exigency of the public service rendered a deviation necessary; and there no ministry would dare call the Legislature in May, unless some paramount necessity existed. It would be far more convenient, he said, for the people of the Province to be aware as to what time the Parliament would assemble, and if it could be ascertained by reference to the law at what time it would take place.<sup>67</sup> They would then know when to put notices in the "Gazette" of intended applications to Parliament.<sup>68</sup> He proposed also that the elections should be held at one uniform period throughout the Province; and he would deprive members of the government of the power of holding writs in their pockets, and to determine at what time elections should take place in different parts of the country. If the law required that the Legislature should assemble in November, for instance, every one would be aware of the fact, and would regulate his conduct with reference to the transaction of public business accordingly. The most convenient time for the assembling of Parliament was late in the autumn or during the middle of winter; by which means the members going or returning, would have the advantage of travelling by water.<sup>69</sup> It was the time of meeting in England and in all the United States.<sup>70</sup> The first clause of the bill provided, that in future Parliament should meet at Toronto, during the last week in February, and at the expiration of the period at present proposed, at Quebec at a similar time. He proposed also that Parliament should not be dissolved, during the period prescribed for the existence of the House by law.--This he considered as a most important proposition, because otherwise if it did not meet the views of the administration, it was in their power to dissolve the Parliament, and by passing a few popular measures, get another Parliament that would suit them.<sup>71</sup> A ministry if it had not the power of appealing to the country for the purpose of



keeping themselves in office would have to go out.<sup>72</sup> His proposition therefore would render the House more independent. The learned gentleman concluded by moving that the Bill be read a second time.<sup>73</sup>

MR. AT. GEN. BALDWIN said it was not necessary to discuss the question, as it had been gone into on a former occasion<sup>74</sup> most fully; and he should therefore move ... an amendment to the motion of the hon. member for Norfolk<sup>75</sup>.

(64)

*The Honorable Mr. Attorney General Baldwin moved in amendment to the Question, seconded by Mr. Richards, That the word "now" be left out, and the words "this day three months" added at the end thereof;*

MR. W. BOULTON (Toronto) thought that if the voice of the country could be ascertained, that it would be universally in favor of fixing the time for the meeting of parliament.<sup>76</sup> There was no question in the country more popular than this. Having adverted to the great convenience it would be to have the time fixed, he said he should like to see the Attorney General West give some reason for opposing the measure.<sup>77</sup>

MR. H. SHERWOOD (Toronto) differed with his colleague, and would vote for the amendment of the Attorney General.<sup>78</sup> ((He)) thought the proposition of the learned member for Norfolk, was a monstrous interference with the prerogative of the Crown; and in listening to what he had read from Blackstone, he (Mr. S.) was the more fortified in his opinion of the necessity that existed for the power of convening the Legislature being vested in one of its branches, and that the authority for so convening it, should remain with the King alone. The learned gentleman had placed much reliance on the view taken by Sir William Blackstone, as to the necessity of Parliament meeting at a "fixed time and place," still the power to do so must be vested in the Crown, which would determine when and where it would be most conducive to the public service, to meet the other members of the Legislature--it might be at Hamilton, or Niagara, or any where else.--It should be called together by the authority of one of its component parts, and not by an authority emanating from all three, and about which it would be impossible that a uniformity of sentiment should exist. His learned friend, the member for Norfolk, wished the time and place of meeting to be determined by the three branches; while Blackstone, from whom he had quoted, said it should be taken from the Crown. The learned member had asked if any ministry in England would dare to call Parliament together in May! However that might be, no attempt had been there made to fix the time or place of meeting by law. If the Legislature were assembled at an improper season, a resolution to that effect might be passed, and it would amount to a vote of want of confidence. The learned member for Norfolk might have made such a motion in reference to the Speech at the opening of the Session; and the Government would have considered it as a vote of want of confidence. In that way the views of the majority of the House might be brought to bear on the Government; and they would either conform to these, or take the sense of the constituency by calling another House. Then it was proposed to deprive the Crown of the power to dissolve Parliament. That was also<sup>79</sup> the most monstrous proposition he had ever seen.<sup>80</sup> The effect of which would be, that the Legislature might originate and carry out the most oppressive measures--they might act contrary to the wishes of the Government and in opposition to the wishes of the people; and yet they must remain and exercise this most obnoxious power during four years, with no body on earth to check or control their proceedings, however contrary these might be to the welfare of the country. He for one would say that if the members of Parliament proved traitors to their constituents, it should be in the power of the Government to dissolve the House, and appeal to the people. He did not think there was another member of the House, except the mover and seconder of the resolution for a second reading of the Bill, who would sanction such a measure.--He (Mr. S.), it had been mentioned, had brought in a Bill for the meeting of the Courts on certain days. That was a very different

thing;--still he regretted having done so; as it was subsequently found that the Judges who were better acquainted with the amount of business to be transacted, were better qualified than the Legislature to fix the periods at which the Courts should meet respectively. The consequence had been that the present Government had changed the Bill; and the performance of this duty was thrown back on the Judges. There was no analogy, he said, in what he had proposed with reference to the Courts, and the propositions of the learned member for Norfolk, which were to deprive the Crown of the power to convene Parliament when and where it might deem most essential to the public interests of the country, and to dissolve it when it thought those interests would be best consulted by so doing; which were propositions to which he (Mr. Sherwood) would never consent. He should therefore vote for the amendment of the Attorney General; the principles of the Bill, as he observed, had been already well discussed; and as the votes given on a former day, had been expressive of the view then taken by hon. members generally on the subject; he was satisfied they would on the present occasion arrive at the same decision; and which he was satisfied would be in accordance with the sentiments he had then expressed.<sup>81</sup>

MR. ROSS rose to order, and quoted one of the clauses of the Act of Union, which gave the two Houses of the Legislature, with the consent of the Governor General, power to make such laws as were not repugnant to the act. By reference to another clause, he showed that in the representative of the Sovereign was vested the rights to fix such time and place for the meeting of the Colonial Parliament, as might be considered most desirable and conducive to the public interest and welfare; with the power to dissolve it whenever it was thought proper. He (Mr. R.) therefore considered the discussion of a Bill which is in contradiction to the Act of Union to be out of order.<sup>82</sup>

MR. MORIN the SPEAKER did not think the motion was in order, as<sup>83</sup> with reference to the Union Act, it was evident that the Bill could not be passed by the House.<sup>84</sup>

MR. M. CAMERON (of Kent) thought the House had power to take up the question.<sup>85</sup>

MR. PAPINEAU ... argued the motion was in order.<sup>86</sup>

MR. J. CAMERON of Cornwall did not agree as to the view taken by the learned member who had just spoken, and could not admit that the House was restricted in its freedom of action as to the subject then under discussion, or any other.<sup>87</sup>

MR. AT. GEN. BALDWIN agreed with what had fallen from the learned member from Cornwall; but if a measure that was repugnant to the Act of Union were introduced in a shape in which it could not pass, then it could not be entertained by the House.<sup>88</sup> ((Even)) if the Bill passed the three branches of the Legislature and did not receive the sanction of the Crown, that would not make it law. It was opposed to the Constitution under which this Parliament has the right to sit.<sup>89</sup> Had the learned member for Norfolk introduced his propositions in the form of resolutions, they might have been considered and acted upon; although no force could then have been given to them in the form of law, anymore than now. After the strong opinion expressed by the Speaker, he (Mr. B.) was satisfied the Bill which had been introduced could not be entertained.<sup>90</sup>

MR. MORIN the SPEAKER having been appealed to, gave his opinion that it was out of the power of Parliament to proceed any further with this question in its present shape. According to the terms of the Union Act, the only mode in which it could be legally brought before them was by an address. However, as it was a grave question of Parliamentary law, he would be pleased to hear the opinions of those members, who, from long experience, were justly entitled to have their opinions listened to with respect. In taking this course, he followed the practice of the English Parliament, and he should consider it no disparagement to the



chair, even if their advice was in opposition to the opinion he had expressed. On the contrary, he would conceive that he was only fulfilling the duties imposed on him by his peculiar office, as it was not his duty to govern that house, but to decide questions of this kind according to the rules, and with the best advice that it was possible for him to obtain.<sup>91</sup>

MR. PAPINEAU made a few more remarks maintaining that the motion was in order<sup>92</sup>. ((He)) said, that if the motion before the chair, for the second reading, were contrary to the constitution and to the provisions of the Union Act, the Attorney General was himself a particeps criminis<sup>93</sup>. What right had he to make a motion that it be read this day three months. (Hear, hear.) It was because he caught (sic) at every trifling objection when a thing did not please him; down with it by any means, was his policy.<sup>94</sup> The futile objection of the hon. member for Megantic ought not to be placed for a single moment in opposition to the liberties of the House, nor should the Union Act be made use of to tie them down to complete subservience.<sup>95</sup>

MR. CHAUVEAU thought the Constitution could not be changed even by a vote of two thirds of the House, except that part which relates to the representation.<sup>96</sup> OR MR. CHAUVEAU would be sorry to find that the House was tied down by any clause of the Union Act, in such a manner as to prevent them from defending their rights and liberties--(hear, hear)--and the best proof that that was not the case, was the fact that several clauses of that Act had been repealed in consequence of the House taking the proper steps. (Hear, hear.) It was scarcely fair, then, for the hon. member for St. Maurice to insinuate that the House was disposed to complete subserviency, or that it was disposed to submit to the dictatorial authority of any Cabinet.<sup>97</sup>

COL. PRINCE maintained that it was too late to take the objection of the hon. member for Megantic, as the Bill had already passed the first reading<sup>98</sup>. He asked the hon. Attorney General why he voted for the first reading of the bill if it were out of order. It seemed to him (Col. P.) that he was too late with his objection.<sup>99</sup> He would ask the Attorney General to tell him by what law a matter that was fairly before Parliament was not to be discussed.<sup>100</sup>

MR. J. CAMERON (Cornwall) spoke in favor of entertaining the motion.<sup>101</sup> ((He)) contended that they had a perfect right to proceed with the Bill. He was opposed to the Bill in itself, but he conceived that as a matter of right they were entitled to discuss it. The Union Act did not say that they had no right to introduce Bills for certain purposes but that they should not pass them into Laws.<sup>102</sup> He said that the very clause of the act which provided that two-thirds of the house were necessary for certain changes, was proof that bills might be entertained.<sup>103</sup> Now no man could say that by passing this Bill through all its stages they contravened the spirit of that Act, as that would not cause it to become the assent of the two branches of the Legislature.<sup>104</sup> If the Legislature can discuss the matter by address to the Queen, it could equally pass a bill, which the Crown, if it thought proper, could sanction.<sup>105</sup>

MR. AT. GEN. BALDWIN said that the conclusion arrived at by the hon. member for Cornwall was rather a hasty one. If he considered closely the clause quoted by the hon. member for Megantic, he would find that any proceedings on this Bill, even admitting that it received the Royal assent must be necessarily void until that clause was repealed, for it was out of their power to legislate on it by Bill and the only mode left was the introduction of a resolution on which to found an address praying for its repeal.<sup>106</sup>

MR. BADGLEY contended that the motion was in order. He read several clauses of the union act and argued that there was nothing in the act which could be interpreted to mean that the house should have no right to entertain a bill like the one in question.<sup>107</sup>



MR. INSP. GEN. HINCKS ((asked a question.))<sup>108</sup>

MR. J. CAMERON (Cornwall) said he was of opinion that the House had not power to pass a law on the subject.<sup>109</sup>

MR. INSP. GEN. HINCKS thought they ought not to go on with a bill which the Speaker said they had no power to pass.<sup>110</sup>

MR. J. CAMERON (Cornwall) argued that the House had as much right to pass a bill on the subject as an Address.<sup>111</sup>

MR. H. BOULTON (Norfolk) said it would be derogatory to the dignity and independence of the House and the constituencies they represented to yield to the mere *ipse dixit* of a gentleman who had lately taken his seat among them, (ironical cheers) and could therefore be expected to know very little about Parliamentary practice, which was a very different thing from a mere dry question of law.<sup>112</sup> He contended that if the bill passed the three branches of the Legislature, and were not disallowed by the Crown within two years, it would become law. He denied that questions that arose out of the Constitutional Act were properly questions of order. The question before them was one of constitutional law.<sup>113</sup> However as he was convinced that the measure would not carry, he would consent to withdraw it, and he gave the Government fair warning that he would introduce it in another shape<sup>114</sup> ((as)) an address.<sup>115</sup>

(64)

*And a Debate having arisen thereupon, and objection being made to the Bill as not being in order, by reason of its repugnance to the provisions of the Act of the Parliament of the United Kingdom, 3 & 4 Vic. c.35; and an appeal being made thereon to the Chair, Mr. Speaker declared his opinion that the Bill was not in order, because it was repugnant to the said Act, and could not be entertained;*

*And an appeal being made to the House from Mr. Speaker's decision; the House divided: and the names being called for, they were taken down, as follow:--*

#### YEAS.

*Messieurs Armstrong, Attorney General Baldwin, Bouthillier, Burritt, Cartier, Cauchon, Chabot, Chauveau, Crysler, Davignon, Solicitor General Drummond, Duchesnay, Dumas, Flint, Fournier, Guillet, Hincks, Jobin, Lacoste, Laurin, Lemieux, Solicitor General Macdonald, Macdonald of KINGSTON, Malloch, Méthot, Mongenais, Morrison, Polette, Price, Richards, Robinson, Ross, Scott of TWO MOUNTAINS, Sherwood of TORONTO, Smith of WENTWORTH, Taché, and Viger.--(37.)*

#### NAYS.

*Messieurs Badgley, Boulton of NORFOLK, Boulton of TORONTO, Cameron of CORNWALL, Cameron of KENT, Cayley, DeWitt, Holmes, Hopkins, Lyon, Sir Allan N. MacNab, McConnell, McLean, Papineau, and Prince.--(15.)*

*So the decision of Mr. Speaker was confirmed.*

Great Western  
Railroad Stock  
Bill.

*An engrossed Bill to empower Municipal and other Corporations to subscribe for Stock of the Great Western Railroad Company, or otherwise to aid in completing that undertaking, was, according to Order, read the third time.*

*Resolved, That the Bill do pass, and the Title be, "An Act to empower Municipal and other Corporations to subscribe for Stock of the Great Western Railroad Company, and other Railroad Companies, or otherwise to aid in completing such undertakings."*

*Ordered, That Sir Allan N. MacNab do carry the Bill to the Legislative Council, and desire their concurrence.*

Orders  
deferred.

*Ordered, That the remaining Orders of the day be postponed until to-morrow.*

*Then, on motion of Mr. Solicitor General Drummond, seconded by Mr. Scott of Two Mountains,*

*The House adjourned.*

APPENDIX: 12 JUNE 1850.

((NOTICE OF MOTION RE: BANKING BILL.))<sup>116</sup>

MR. W. BOULTON, (Toronto,) gave notice of his intention to introduce a bill to authorise the business of banking.<sup>117</sup>

((NOTICE OF MOTION RE: CONSTRUCTION OF A RAILWAY BETWEEN THE NIAGARA AND DETROIT RIVERS.))<sup>118</sup>

MR. INSP. GEN. HINCKS gave notice of his intention to introduce a bill to incorporate a company to construct a railway between the Niagara and Detroit Rivers.<sup>119</sup>

((NOTICE OF MOTION RE: LAW REFORM BILL.))<sup>120</sup>

MR. H. SHERWOOD, (of Toronto,) gave notice of his intention to introduce a Bill on Law Reform.<sup>121</sup>

((WITHDRAWN MOTION RE: RESTRICTION OF PRINTING BILLS.))<sup>122</sup>

MR. ROBINSON moved a resolution on which much discussion arose, that no Bill should be printed unless it was specially moved for by the person who introduced it, and that they should specify also in what language it should be printed. He thought that it was not necessary, as had been the custom, to print every bill brought before the House; it was a very great and useless expense, as they were never used and were ultimately thrown away.--Members could read the bills at the Clerk's table as they were in the habit of doing in the Upper Canada House.<sup>123</sup>

MR. CAUCHON said that were this done many members would vote on questions upon which they were not informed; it was impossible that every member could read every bill in manuscript at the table, as the member for Simcoe proposed.<sup>124</sup>

MR. CHAUVEAU opposed the motion in French.<sup>125</sup>

MR. THOMPSON supported the resolution, on account of the saving in expense.<sup>126</sup>

MR. W. BOULTON (Toronto) supported the motion for the same reason.<sup>127</sup>

MR. AT. GEN. LAFONTAINE thought some saving might be made in the expense of printing, but he thought it should be done by making the not printing the exception and the printing the rule; where a bill was introduced which was of no importance and could not require printing, he should make his motion to that effect. He ridiculed the idea of members reading all the bills in manuscript, and said if every one was to examine them, when a bill was required to be passed through in a hurry, it could not be done, because many days would thus be necessary to give members the necessary information. A greater saving might be made by not introducing so many useless measures merely for the name of the thing, and applying for so many returns.<sup>128</sup>

MR. SHERWOOD approved of the suggestion of the Attorney-General East.<sup>129</sup>

MR. INSP. GEN. HINCKS moved the postponement of the measure till the report of the Retrenchment Committee should be received.<sup>130</sup>

MR. ROBINSON and MR. W. BOULTON (Toronto) repeated their former arguments.<sup>131</sup>

MR. CAUCHON would vote against both propositions. He believed that it was the duty of every member to understand every subject upon which he gave his vote, and it would not be done unless the bills were printed.<sup>132</sup>

MR. SOL. GEN. DRUMMOND ridiculed the idea of members reading every bill in manuscript. He thought too that it was necessary to know the smallest details of every bill; he made of course no imputation on the present House but when a less immaculate one



came after them, some members might introduce a bill for his own advantage or some of his constituents and the non-printing, would give him every facility for doing so. He wished too to have the bills to send to his constituents who were anxious for information and who might and often did give valuable hints on the measures under consideration. The country had been taken by surprise by one measure which had seriously injured the lumber trade, and he would be afraid of similar occurrences should the resolution pass.<sup>133</sup>

MR. ROSS declared himself very decidedly opposed to the resolution and to any change in the present system.<sup>134</sup>

MR. M. CAMERON (Kent) was in favour of the resolution and mentioned one private Lower Canadian bill as of the utmost insignificance.<sup>135</sup>

MR. SCOTT thought it inseparable from our system; every bill must be printed. That very bill that the member for Kent had mentioned, he (Mr. S.) was interested in, had read it and was opposed to some of its clauses.<sup>136</sup>

MR. CHRISTIE hoped the motion would be adopted, as the printing of the house last year had cost £13,000.<sup>137</sup>

SIR A. MACNAB thought that in this matter they should follow the English course, the printing of all private bills should be paid by the parties interested in them, and the public ones at the cost of the country, which no one would object to. He hoped that his hon. friend (Mr. Robinson) would withdraw his motion.<sup>138</sup>

MR. ROBINSON thought that the discussion would do good and would withdraw his resolution.<sup>139</sup>

((WITHDRAWN MOTION RE: ADDRESS CONCERNING F.C. CAPREOL.))<sup>140</sup>

COL. GUGY wished to bring the following particulars under the notice of the House for the purpose of moving an address to the Governor General with a view to remunerate Mr.<sup>141</sup> F.C. Capreol, Esq.<sup>142</sup> In 1843<sup>143</sup>, Mr. Kinnear of Yonge Street<sup>144</sup>, a gentleman residing in the vicinity of Toronto, had returned home with a considerable amount of money, and was killed by his own servant to whom the fact was known, who had previously murdered the housekeeper; he then took possession of his property, and with a horse and carriage left the place, and subsequently proceeded to the United States. As soon as the murder became known, application was made to the civil authorities of Toronto to pursue the murderers, which not being complied with, Mr. Capreol at his own expense<sup>145</sup> chartered a<sup>146</sup> steam-vessel in the dead of the night<sup>147</sup> and pursued the murderers, which he captured and brought back<sup>148</sup>. This he did without any warrant or authority from the magistrates of the city, at his own suggestion and upon his own responsibility. He (Mr. C.) believed no hon. member would disagree with him when he said, that his conduct in that instance merited the commendation of the community, not only for bringing to punishment the author of the crime, but for contributing to the safety of persons residing on the borders of the two countries. It was meet and fitting therefore that the House should take notice of the circumstance, and pay Mr. Capreol not only for the expense he had incurred, but as an encouragement to others in time to come. The amount was £100, and the motion he should submit was that the House address His Excellency to authorise the return of that sum, and that they would make good the same. It was not the first time, he said, that the attention of the house had been drawn to the subject; but it had not had that notice which the public interests required.<sup>149</sup>

MR. H. SHERWOOD of Toronto, before making any remarks, wished to know whether the Government authorized the present application.<sup>150</sup>

((He was)) answered in the negative<sup>151</sup>.

MR. H. SHERWOOD did not rise so much with a view of offering any opposition,

for he had no feeling on the subject, as to state facts connected therewith. About seven years since, he said, a gentleman of the name of Kinnear, came from Scotland with considerable wealth, which he embarked in banking establishments. He purchased subsequently a farm on Yonge Street about six miles from Toronto, where he made considerable improvements. He came into the city for the purpose of obtaining money with which to pay those whom he employed, as he was in the habit of doing weekly, and returned on Saturday evening. While he was absent, a servant man whom he had left behind him, killed the house-keeper, and soon after the arrival of Mr. Kinnear at home shot him, thus causing his death as had already been stated; and afterwards carried his body into the cellar where he had previously placed that of the house-keeper.--On the following day, surprise being excited by the house being shut up, the murder was discovered, and after considerable search the bodies were found in the cellar. The guilty parties, a man and a woman took a conveyance and came to Toronto, where they took a steamer on Sunday morning for the United States. It was about sunset on Saturday evening, when the intelligence reached Toronto, and he (Mr. S.) as Mayor, was applied to by Mr. Capreol to send a steam-boat in search of the fugitive<sup>152</sup>, at the expense of the city,<sup>153</sup> and upon his asking Mr. C. upon what ground he made the application, he replied that he was the agent of Mr. Kinnear. He (Mr. S.) told him he had no authority to pursue the parties for an offence committed out of the jurisdiction of the city; but had it been within that jurisdiction, he would have taken a boat or gone to any other expense in furtherance of the ends of justice. He (Mr. S.) however induced Mr. Capreol, as the agent of Mr. Kinnear to assume the responsibility, and to hire a boat; and one was subsequently obtained for which £12 10s. was to be paid; and he (Mr. S.) sent the high bailiff and four constables at the expense of the city, with directions to procure authority to arrest the parties wherever they should be found. It happened that the carriage broke down near Lewiston, where they were found, and they were brought back and tried for the offence. The man was executed, but the woman was sent to the Penitentiary for life, where she still remains. His (Mr. S's) conduct in not hiring the boat was considered proper by the corporation, who also sustained him for having sent the constabulary force with Mr. Capreol. As to £100, he did not see how it was possible for Mr. C. to have gone to that expense; the boat was chartered for what he had stated, it might be a pound or two over or under; the officers were sent at the expense of the city; and the criminal proceedings were instituted and carried on, certainly not at Mr. Capreol's expense. The claim of £100 from the Legislature was therefore untenable. But even if £100 had been paid, was there an instance where a person had apprehended a murderer, that application had been made to the Legislature to be reimbursed; and why, he would ask, should Mr. Capreol be designated as a distinct individual. He was the agent managing the estate and continued to do so till the relatives of Mr. K. came out. He (Mr. S.) did not believe they had refused to defray whatever expense had been incurred; Mr. K. had died wealthy, and probably if the truth were known, it had been re-paid. The object of the present application, he said, is evidently notoriety, and Mr. Capreol was desirous of making himself the subject of discussion in that House, for making exertions which he did as the agent of Mr. Kinnear. The corporation of Toronto had never been asked to reimburse him; and it was not till years after the occurrence has taken place that the measure is introduced into the Legislature. The House might do with the application what they thought proper.<sup>154</sup>

This assertion MR. MORRISON contradicted, and we think said, that Mr. Kinnear's affairs were in his hands.<sup>155</sup>

MR. PAPINEAU said, the rules of the House ought to have prevented the discussion from taking place. The Speaker should have interfered, and have said the motion was out of order.<sup>156</sup>

MR. MORIN the SPEAKER said that under the union act,<sup>157</sup> without the sanction of the government the motion could not be entertained, nor an address be moved for

a vote of money unless it were for some purpose connected with the expences of the House, or to prevent some occurrence which was to be apprehended.<sup>158</sup>

MR. AT. GEN. BALDWIN ... amidst cries of 'order,'<sup>159</sup> said, no application had been made to the government till 1845, and the answer Mr. Capreol received was approbatory of his conduct. An appeal was then made to the House in 1849, and a document was on file, signed by a number of the citizens of Toronto, approving of his conduct. The difficulty attending the application was that if it were complied with it would be establishing a precedent which might be attended with serious consequences hereafter. There was one circumstance which the member for Toronto had stated, which did not appear in the documents, which was that Mr. Capreol was the agent of Mr. Kinnear. The member for Sherbrooke had communicated his intention to the government, who did not give any assent; but the application was desirable, on account of the explanation which had been given.<sup>160</sup>

SIR A. MACNAB would allow nothing to put him down until he had asserted that, agent or no agent of Mr. Kinnear, Mr. Capreol's exertions in apprehending the criminals were praiseworthy and ought to be rewarded.<sup>161</sup>

((There was)) some further conversation<sup>162</sup>.

COL. GUGY then withdrew the motion.<sup>163</sup>



FOOTNOTES: 12 JUNE 1850.

1. MONTREAL GAZETTE, 17 June 1850.
2. PILOT, 25 June 1850.
3. The following papers reported this speech in identical accounts: PILOT, 18 June 1850, GLOBE, 15 June 1850, and PACKET, 22 June 1850.
4. PILOT, 18 June 1850.
5. The following papers reported the debate on this matter in identical accounts: NORTH AMERICAN, 14 June 1850, GLOBE, 15 June 1850, EXAMINER, 19 June 1850, BATHURST COURIER, 21 June 1850; BRITISH COLONIST, 14 June 1850, HAMILTON SPECTATOR, 15 June 1850; PILOT, 18 June 1850, ST. CATHARINES JOURNAL, 20 June 1850, and PACKET, 22 June 1850. A commentary appeared in BRITISH COLONIST, 14 June 1850.
6. PILOT, 18 June 1850.
7. IBID.
8. IBID.
9. GLOBE, 15 June 1850.
10. NORTH AMERICAN, 14 June 1850.
11. IBID.
12. PILOT, 18 June 1850.
13. NORTH AMERICAN, 14 June 1850.
14. PILOT, 18 June 1850.
15. NORTH AMERICAN, 14 June 1850.
16. PILOT, 18 June 1850.
17. IBID.
18. NORTH AMERICAN, 14 June 1850.
19. IBID.
20. IBID.
21. GLOBE, 15 June 1850.
22. NORTH AMERICAN, 14 June 1850.
23. GLOBE, 15 June 1850.
24. NORTH AMERICAN, 14 June 1850.
25. GLOBE, 15 June 1850.
26. PILOT, 18 June 1850.
27. IBID.
28. NORTH AMERICAN, 14 June 1850.
29. PILOT, 18 June 1850.
30. NORTH AMERICAN, 14 June 1850.
31. The following papers reported the debate on this matter in identical accounts: NORTH AMERICAN, 14 June 1850, EXAMINER, 19 June 1850, and BATHURST COURIER, 21 June 1850. The following papers reported the debate in partially identical accounts: PILOT, 18 June 1850, GLOBE, 15 June 1850, ST. CATHARINES JOURNAL, 20 June 1850, and PILOT, 18 June 1850. The debate was also reported by: BRITISH COLONIST, 15 June 1850; and BRITISH WHIG, 18 June 1850.
32. BRITISH COLONIST, 14 June 1850.
33. IBID.
34. NORTH AMERICAN, 14 June 1850.
35. IBID.
36. BRITISH WHIG, 18 June 1850.
37. NORTH AMERICAN, 14 June 1850.
38. BRITISH WHIG, 18 June 1850.
39. ST. CATHARINES JOURNAL, 20 June 1850.
40. IBID.
41. IBID.
42. BRITISH WHIG, 18 June 1850.
43. NORTH AMERICAN, 14 June 1850.
44. BRITISH WHIG, 18 June 1850.

45. IBID.
46. NORTH AMERICAN, 14 June 1850.
47. ST. CATHARINES JOURNAL, 20 June 1850.
48. NORTH AMERICAN, 14 June 1850.
49. IBID.
50. BRITISH WHIG, 18 June 1850.
51. ST. CATHARINES JOURNAL, 20 June 1850.
52. NORTH AMERICAN, 14 June 1850.
53. BRITISH WHIG, 18 June 1850.
54. IBID.
55. ST. CATHARINES JOURNAL, 20 June 1850.
56. IBID.
57. IBID.
58. BRITISH WHIG, 18 June 1850.
59. ST. CATHARINES JOURNAL, 20 June 1850.
60. BRITISH WHIG, 18 June 1850.
61. NORTH AMERICAN, 14 June 1850.
62. The following papers reported the debate on this matter in partially identical accounts: PILOT, 18 June 1850, GLOBE, 15 June 1850, HAMILTON SPECTATOR, 19 June 1850, PACKET, 22 June 1850; NORTH AMERICAN, 19 June 1850, EXAMINER, 19 June 1850, and BATHURST COURIER, 21 June 1850. The debate was also reported by: BRITISH COLONIST, 14 June 1850; and MONTREAL GAZETTE, 17 June 1850.
63. HAMILTON SPECTATOR, 19 June 1850.
64. NORTH AMERICAN, 14 June 1850.
65. HAMILTON SPECTATOR, 19 June 1850.
66. NORTH AMERICAN, 14 June 1850.
67. HAMILTON SPECTATOR, 19 June 1850.
68. NORTH AMERICAN, 14 June 1850.
69. HAMILTON SPECTATOR, 19 June 1850.
70. NORTH AMERICAN, 14 June 1850.
71. HAMILTON SPECTATOR, 19 June 1850.
72. NORTH AMERICAN, 14 June 1850.
73. HAMILTON SPECTATOR, 19 June 1850.
74. NORTH AMERICAN, 14 June 1850.
75. HAMILTON SPECTATOR, 19 June 1850.
76. MONTREAL GAZETTE, 17 June 1850.
77. NORTH AMERICAN, 14 June 1850.
78. MONTREAL GAZETTE, 17 June 1850.
79. HAMILTON SPECTATOR, 19 June 1850.
80. MONTREAL GAZETTE, 17 June 1850.
81. HAMILTON SPECTATOR, 19 June 1850.
82. IBID.
83. MONTREAL GAZETTE, 17 June 1850.
84. HAMILTON SPECTATOR, 19 June 1850.
85. NORTH AMERICAN, 14 June 1850.
86. MONTREAL GAZETTE, 17 June 1850.
87. HAMILTON SPECTATOR, 19 June 1850.
88. IBID.
89. NORTH AMERICAN, 14 June 1850.
90. HAMILTON SPECTATOR, 19 June 1850.
91. IBID.
92. MONTREAL GAZETTE, 17 June 1850.
93. HAMILTON SPECTATOR, 19 June 1850.
94. NORTH AMERICAN, 14 June 1850.
95. HAMILTON SPECTATOR, 19 June 1850.
96. NORTH AMERICAN, 14 June 1850.
97. HAMILTON SPECTATOR, 19 June 1850.

98. IBID.
99. MONTREAL GAZETTE, 17 June 1850.
100. NORTH AMERICAN, 14 June 1850.
101. MONTREAL GAZETTE, 17 June 1850.
102. HAMILTON SPECTATOR, 19 June 1850.
103. MONTREAL GAZETTE, 17 June 1850.
104. HAMILTON SPECTATOR, 19 June 1850.
105. NORTH AMERICAN, 14 June 1850.
106. HAMILTON SPECTATOR, 19 June 1850.
107. MONTREAL GAZETTE, 17 June 1850.
108. NORTH AMERICAN, 14 June 1850.
109. IBID.
110. IBID.
111. IBID.
112. HAMILTON SPECTATOR, 19 June 1850.
113. NORTH AMERICAN, 14 June 1850.
114. HAMILTON SPECTATOR, 19 June 1850.
115. NORTH AMERICAN, 14 June 1850.
116. The following papers reported this notice of motion in identical accounts:  
PILOT, 18 June 1850, GLOBE, 15 June 1850, and PACKET, 22 June 1850.
117. PILOT, 18 June 1850.
118. The following papers reported this notice of motion in identical accounts:  
GLOBE, 15 June 1850, PILOT, 18 June 1850, and PACKET, 22 June 1850.
119. PILOT, 18 June 1850.
120. The following papers reported this notice of motion in identical accounts:  
GLOBE, 15 June 1850, PILOT, 18 June 1850, and PACKET, 22 June 1850.
121. PILOT, 18 June 1850.
122. The following papers reported this withdrawn motion in identical accounts:  
BRITISH WHIG, 17 June 1850, MONTREAL TRANSCRIPT, 18 June 1850; GLOBE, 15  
June 1850, PILOT, 18 June 1850, and PACKET, 22 June 1850. NORTH AMERICAN,  
14 June 1850, EXAMINER, 19 June 1850, and BATHURST COURIER, 21 June 1850,  
noted the debate in identical accounts.
123. PILOT, 18 June 1850.
124. IBID.
125. GLOBE, 15 June 1850.
126. IBID.
127. IBID.
128. IBID.
129. IBID.
130. IBID.
131. IBID.
132. IBID.
133. IBID.
134. IBID.
135. IBID.
136. IBID.
137. IBID.
138. IBID.
139. IBID.
140. The following papers reported this withdrawn motion in identical accounts:  
NORTH AMERICAN, 14 June 1850, EXAMINER, 19 June 1850, BATHURST COURIER, 21  
June 1850; PILOT, 18 June 1850, GLOBE, 15 June 1850, and PACKET, 22 June  
1850. The motion was also reported by: BRITISH COLONIST, 14 June 1850; and  
BRITISH WHIG, 17 June 1850.
141. GLOBE, 15 June 1850.
142. NORTH AMERICAN, 14 June 1850.
143. GLOBE, 15 June 1850.
144. NORTH AMERICAN, 14 June 1850.



145. GLOBE, 15 June 1850.
146. NORTH AMERICAN, 14 June 1850.
147. BRITISH COLONIST, 14 June 1850.
148. NORTH AMERICAN, 14 June 1850.
149. GLOBE, 15 June 1850.
150. IBID.
151. IBID.
152. IBID.
153. NORTH AMERICAN, 14 June 1850.
154. GLOBE, 15 June 1850.
155. BRITISH COLONIST, 14 June 1850.
156. GLOBE, 15 June 1850.
157. NORTH AMERICAN, 14 June 1850.
158. GLOBE, 15 June 1850.
159. BRITISH COLONIST, 14 June 1850.
160. GLOBE, 15 June 1850.
161. BRITISH COLONIST, 14 June 1850.
162. NORTH AMERICAN, 14 June 1850.
163. GLOBE, 15 June 1850.

THURSDAY, 13 JUNE 1850.

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Petitions  
brought up.

THE following Petitions were severally brought up, and laid on the table:--

By Mr. DeWitt,--The Petition of G.H. Dumesnil and others, residing on the shore of Lake St. Francis, Parish of St. Anicet.

By the Honorable Mr. Viger,--The Petition of J.O.A. Turgeon, Mayor, and others, members of the Municipal Council of the County of Terrebonne; the Petition of L.A. DeRome and others, of the Parishes of St. Paul of the Township of Kildare, and St. Antoine de Lavaltrie, District of Montreal; the Petition of P.U. Archambault and others, of the Counties of Leinster and Berthier; and the Petition of the Reverend T.L. Brassard and others, of the Parish of St. Paul de Lavaltrie.

By Mr. Notman,--The Petition of Richard Watson, of the City of Toronto, builder.

By Mr. Sanborn,--The Petition of D. Thomas and others, of the District of St. Francis.

By Mr. Jobin, --The Petition of M. Raymond and others, of the Parish of Longue Pointe, County of Montreal.

By Mr. Stevenson,--The Petition of Robert Darling and others, of the Township of Hillier, County of Prince Edward.

By Mr. Morrison,--The Petition of the Port Credit and Hurontario Plank Road Company.

By Mr. Prince,--The Petition of P.T. Donnelly, M.D., and others, of the Town of Moore, County of Lambton; the Petition of John McIntosh; and the Petition of Isaac Titus, of Port Burwell, County of Middlesex.

By the Honorable Mr. Cameron of Kent,--The Petition of Thomas George Choat and others, of the Townships of Dummer and Douro, County of Peterborough.

By the Honorable Mr. Hincks,--The Petition of the Municipal Council of the County of Oxford.

Petitions read.

Pursuant to the Order of the day, the following Petitions were read:--

Of the Reverend Joseph Crevier and others, of the Parish of St. Pie; praying that certain measures be adopted for the suppression of intemperance.

Of Louis Bertrand, Mayor of the Municipality Number one, County of Rimouski; praying that the Seigniorship of Temiscouata and certain other places, may be detached from the Municipality Number two, and united to Municipality Number one, of the said County, for purposes of Registration.

Of the Municipality of the Township of Sarnia; and of A. McNaughton, Townreeve, and others, Councillors of the Municipality of Nassagaweya; praying that the Clergy Reserve and Rectory Lands be sold, and the funds accruing therefrom applied to purposes of general education.

Of William Patton, of Quebec, Esquire, merchant; praying to be indemnified for loss sustained by him in the construction of a Wharf at the Quarantine Station, Grosse Isle, in the year 1846.

Of the Reverend H.G. Burrage, Minister, and others, Wardens and members of the Church of England at Hatley and parts adjacent; and of the Reverend L. Doolittle, Minister, and others, Wardens and members of the Church of England at Lennorville; praying that the privilege of conferring Degrees in the Arts and in Divinity may be extended to Bishop's College, and the annual grant to the said College so increased as to place it upon an equal footing with similar institutions throughout the Province.

Of the Town Council of St. Catharines; praying that the Charter of the Great Western Railroad Company may be so amended as to authorize Municipal Corporations

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to take and subscribe for Stock therein, or otherwise to aid the said Company.

Of the Municipality of the Township of Sandwich; praying that a Charter be granted to the Niagara and Detroit Rivers Railroad Company.

Of the Grand River Navigation Company; praying for the renewal or passing of an Act to relieve them from the pressure of the maturity of their liabilities by advancing them a certain loan out of the public funds.

Of the Municipality of the Township of Clinton; praying for certain amendments to the Municipal Corporations' Act.

Of the Municipality of the Township of Thorold; praying for the passing of an Act to convey to Duncan McFarland, Esquire, a certain original Road allowance in the said Township, in lieu of a Road given by him through his lands, being more convenient for the public.

Of Mrs. M.A.F. Viger and other Ladies, the Directresses and Officers of the Montreal Catholic Orphan Asylum; praying for an aid in support of the said Institution.

Of Thomas Bedard, Notary, of the Village of L'Assomption, District of Montreal; praying an investigation of certain complaints against the Crown Lands Department. of the years 1844, 1845, and 1847.

Of Louis Perrault and others, Depositors in the Montreal Provident and Savings Bank, and others interested therein; praying that a Commission be appointed to investigate the management and affairs of the said Bank; that the Trustees and Directors of the said Bank be made jointly and severally liable for the claims of Depositors, except in cases of fair transactions; and that the Bill introduced last Session to amend the Laws relating to Savings Banks, be carried into effect for the restoration of confidence in such Institutions.

Of the Reverend H. Wilkes, A.M. and others, in behalf of the Congregation assembling in Zion Church, Montreal; praying for the abolition of all secular business on the Sabbath, whether in the Post Office Department, public sales, or otherwise.

Of J.J. Williams, Esquire, Mayor, and others, the Town Councillors and Inhabitants of Port Hope and vicinity; praying for the abolition of all labor on the Lord's day in the Postal Department and Departments of the Public Service.

Of James A. Macklin and others, of the Town and vicinity of London; praying that the application for the renewal of the Charter of the Niagara and Detroit Rivers Railroad Company be not granted during the present Session.

<p><u>Petition of the Municipality of the Township of Brantford:</u></p>	<p><u>Ordered</u>, That the Petition of the Municipality of the Township of <u>Brantford</u>, be referred to the Standing Committee on Railroads and Telegraph Lines.</p>
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<p><u>Of A. Scobie and others, referred.</u></p>	<p>Mr. Smith of <u>Wentworth</u> moved, seconded by Mr. Notman, and the Question being proposed, That the Petition of <u>Alexander Scobie</u>, Esquire, and others, of the Townships of <u>Seneca</u>, County of <u>Haldimand</u>, and <u>Onondago</u>, County of <u>Wentworth</u>, be referred to a Select Committee, composed of Sir <u>Allan N. MacNab</u>, Mr. <u>Thompson</u>, Mr. <u>Notman</u>, Mr. <u>Hopkins</u>, and the mover, to examine the contents thereof, and to report thereon with all convenient speed, by Bill or otherwise; with power to send for persons, papers, and records;</p>
--	--

Mr. Thompson moved in amendment to the Question, seconded by Mr. Johnson, That all the words after "referred" to the end of the Question, be left out, and the words, "to the Select Committee to which was referred the Petition of the Provisional Municipal Council of the County of Haldimand, and other references" instead thereof;

And the Question being put on the Amendment; the House divided:--And it passed in the Negative.

And the main Question being again proposed;

Mr. McFarland moved in amendment thereunto, seconded by Mr. Thompson, That all the words after "Committee" to the end of the Question, be left out, and the words, "to be named by this House" added instead thereof;

And the Question being put on the Amendment; the House divided:--And it passed



in the Negative.

Then the main Question being put;

Resolved, That the Petition of Alexander Scobie, Esquire, and others, of the Townships of Seneca, County of Haldimand, and Onondago, County of Wentworth, be referred to a Select Committee, composed of Mr. Smith of Wentworth, Sir Allan N. MacNab, Mr. Thompson, Mr. Notman, and Mr. Hopkins, to examine the contents thereof, and to report thereon with all convenient speed, by Bill or otherwise; with power to send for persons, papers, and records.

St. Lawrence and Atlantic Railroad Bill.

Ordered, That Mr. Holmes have leave to bring in a Bill to amend an Act to incorporate the St. Lawrence and Atlantic Railroad Company, and other Acts relative to the said Company, and to extend the powers of the said Company.

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time, on Monday next.

On motion of Mr. DeWitt, seconded by Mr. Prince,

Petitions for Private Bills.

Resolved, That the time for receiving Petitions for Private Bills be extended until Thursday, the twentieth instant.

Message from the Council.

A Message from the Legislative Council, by John Fennings Taylor, Esquire, one of the Masters in Chancery:--  
Mr. Speaker,

Bill relating to Buoys on certain Shoals.

The Legislative Council have passed the Bill, intituled, "An Act to oblige the Trinity House of Quebec to lay down Buoys to mark the shoals in the north channel of the River St. Lawrence, and to facilitate the traverse from Cape Tourmente to Isle aux Reaux," without any amendment.

And then he withdrew.

Fifth Report of Committee on Standing Orders.

The Honorable Mr. Cameron of Kent, from the Standing Committee on Standing Orders, presented to the House the Fifth Report of the said Committee; which was read, as followeth;--

Your Committee have examined the Petitions of Louis Clair and P.E. Vezina, and of Louis Lampron and others, and find that the notices have been duly given.

With respect to the Petition of John G. Gilman and others, for an Act to incorporate them under the name of the Stanstead County Bank, it appears that the proper notice has been given in the Stanstead Journal, but there does not appear to have been any Church door notices; as, however, this application is not of such a nature as to affect any particular locality, Your Committee would humbly submit that these last mentioned notices cannot be required in the present case.

Your Committee find the Petition of J.H. Dorwin and others, (for authority to construct a Railroad from the Village of Industry to Rawdon,) is in the same position as regards the notices; the matter having been advertized in the Canada Gazette (published in the Montreal District) for upwards of four months, but no notices having been published at Church doors. It appears upon enquiry, that the

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proposed line of Railway is an extension of an existing line, and passes through wild land for the greater part if not the whole of the distance, and it does not appear indeed that there are any Churches upon the said line; Your Committee would therefore respectfully recommend that the latter part of the 66th Rule be suspended in the present instance.

The Petition of the Mayor and Councillors of Quebec, praying for authority to borrow a sum of money, and to impose a rate on the inhabitants, for the purpose of constructing the Water Works which they have already received authority to make, has been examined by Your Committee; and they find that no notice has been given,

though Your Committee are of opinion that such is required by the terms of the 66th Rule.

The Petitions of the Mayor and Town Council of Bytown, of James Pierson and others, of R.S. Woods and others, and of Joseph Allen and others, are not, in the opinion of Your Committee, of such a nature as to require notice.

First Report  
on Printing.

The Honorable Mr. Hincks, from the Standing Committee on Printing, presented to the House the First Report of the said Committee; which was read, as followeth:--

Your Committee, on entering upon the duties assigned them by Your Honorable House, found the most pressing one to be that of procuring Tenders for the Binding of the Journals and Appendixes of the present Session: and having directed advertisements to be published for that purpose, they received from establishments in this City, Tenders for this work, as follows, viz:--

From Mr. Cuthbert, at three shillings, per volume of six hundred pages.

From Messieurs Scobie and Balfour, at three shillings and threepence per ditto.

From Messieurs Brewer and MacPhail, at two shillings and threepence, per ditto.

From Messieurs A.R. Armour and Co., at two shillings and ninepence, per ditto.

And from Montreal,

From Mr. Rollo Campbell, at four shillings for Appendix, and three shillings and ninepence, for Journal, per ditto.

Your Committee would recommend the acceptance of the Tender of Messieurs Brewer and MacPhail, it being the lowest; and that they be required to enter into the usual contract. From the respectable standing of this House of business in the City, Your Committee have no hesitation in believing them fully capable of performing the work in every particular to the satisfaction of Your Honorable House.

Your Committee feel pleasure in reporting the fact, that the present Tender is lower in amount than has ever before been made to Your Honorable House for similar work.

Industry and  
Rawdon Rail-  
road Bill.

Ordered, That Mr. DeWitt have leave to bring in a Bill to incorporate a Company for making a Railroad from the Village of Industry to the Township of Rawdon, in Lower Canada.

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time, on Wednesday next.

On motion of Mr. Morrison, seconded by Mr. Notman,

Queen's Bench  
Judgments.

Resolved, That an humble Address be presented to His Excellency the Governor General, praying that he will be pleased to

cause to be laid before this House, a Return of the last one hundred Judgments entered in the Court of Queen's Bench for Plaintiff after verdict or assessment in debt and assumpsit, specifying the particulars mentioned in the following Schedule, viz:--

Number of Plaintiffs and Defendants, without naming them.

Amount of Verdict.

Total Costs taxed to Plaintiff.

Disbursements to Crown Officers.

Ditto to Sheriff.

Ditto to Witnesses.

To Clerk in Chambers.

To Counsel other than Attorney.

Amount of their Disbursements not included under foregoing heads, such as Jury, &c.

Ordered, That the said Address be presented to His Excellency the Governor General, by such Members of this House as are of the Honorable the Executive Council of this Province.



Berthier Municipalities Bill.

*Ordered, That Mr. Armstrong have leave to bring in a Bill to remedy an error in the Act dividing the County of Berthier into two Municipalities.*

*He accordingly presented the said Bill to the House, and the same was received and read for the first time.*

*Ordered, That the Rule of this House requiring Bills to be printed previous to the second reading, and also the Rule that every Bill shall receive three several readings on different days, be suspended as regards the said Bill; and that the same be now read a second time.*

*The Bill was accordingly read a second time.*

*Ordered, That the Bill be engrossed; and read the third time, on Monday next.*

Guelph and Dundas Road Bill.

*Ordered, That Mr. Fergusson have leave to bring in a Bill to amend an Act, intituled, "An Act to incorporate certain persons as the Guelph and Dundas Road Company."*

*He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time, on Monday next.*

Business of Banking.

*Mr. Boulton of Toronto moved, seconded by Mr. Seymour, and the Question being put, That leave be given to bring in a Bill to authorize the business of Banking;<sup>1</sup>*

MR. INSP. GEN. HINCKS said that the hon. member for Lincoln who was not then in his place, was about to introduce a bill with the same object to provide a general bill for the chartering of banks, something on the same plan--that of the<sup>2</sup> free banking system in the State of New York.<sup>3</sup> He wished that the hon. member would therefore withdraw his bill till the Government measure had been introduced<sup>4</sup>. He (Mr. H.) thought the member for Toronto should not take the matter out of the hands of the government.<sup>5</sup>

MR. W. BOULTON said it was the government that was going to take it out of his hands.<sup>6</sup> ((He)) had been requested by a number of his constituents to get an Act passed. He (Mr. B.) had had an interview with the Hon. Chief Commissioner some few days ago, when he said, it was not the intention of the Government to introduce any such measure during this Session<sup>7</sup> and had got his approval of the principle of the bill.<sup>8</sup> He had taken a great deal of trouble in preparing his bill, he thought it ought to be printed, and he would press his question to a division.<sup>9</sup> If the Inspector General did not choose to let him print his bill, why of course he could please himself.<sup>10</sup>

MR. INSP. GEN. HINCKS would have to oppose it.<sup>11</sup> It was reasonable and proper to wait until the Government measure was introduced and not take it out of their hands.<sup>12</sup> When once the Government had given notice that it was their intention to introduce such a Bill he (Mr. H.) thought any private member should give way, and wait to see what measure would be brought forward (sic). He was willing and would be very glad to have the hon. member's assistance in the matter.<sup>13</sup> Good reasons would be given at the proper time why the measure had not been introduced before.<sup>14</sup>

MR. W. BOULTON reiterated his statement that Mr. Merritt had not told him that a Government measure would be introduced this Session. He had mentioned that he (Mr. M.) wished to introduce such a measure, but that he would not be able to do so.<sup>15</sup>

MR. INSP. GEN. HINCKS said if the majority of the House wished the member for Toronto to carry on the business of the government, and to carry the bill through the House, he (Mr. H.) was quite willing.<sup>16</sup> The bill had been prepared some time ago, but it had been proposed to postpone it in order to take up the important subject of the currency at the same time, and it had only been determined to proceed



with the question this session within the last 48 hours.<sup>17</sup>

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*The House divided: and the names being called for, they were taken down, as follow:--*

YEAS.

*Messieurs Badgley, Boulton of NORFOLK, Boulton of TORONTO, Cameron of CORNWALL, Cameron of KENT, Cayley, Christie, Crysler, Duchesnay, Johnson, LaTerrière, Lyon, Sir Allan N. MacNab, Meyers, Prince, Robinson, Scott of BYTOWN, Seymour, Sherwood of TORONTO, and Stevenson.--(20.)*

NAYS.

*Messieurs Attorney General Baldwin, Bouthillier, Cartier, Chabot, Chauveau, DeWitt, Fergusson, Flint, Fortier, Fournier, Fourquin, Guillet, Hall, Hincks, Holmes, Jobin, Lacoste, Laurin, Lemieux, McFarland, Méthot, Morrison, Notman, Polette, Price, Ross, Sauvageau, Scott of TWO MOUNTAINS, Smith of WENTWORTH, Viger, and Wilson,--(11.)*  
*So it passed in the Negative.*

MR. W. BOULTON would like to know, whether it was not true, that a committee of gentlemen<sup>18</sup>, Bankers of the city<sup>19</sup>, had waited on the Hon. Inspector General to ascertain whether they intended moving in the matter,<sup>20</sup> to introduce a general Banking Law, in order, if he answered in the affirmative<sup>21</sup> that if the government introduced a bill for free banking, they might as well sell out their stock<sup>22</sup> in the present institutions, and that gentleman had said that it was not the intention of the ministry to do so.<sup>23</sup> He (Mr. B.) had taken some pains in drawing up the Bill. He had taken provisions from twenty different statutes (sic), and he thought he might be allowed to introduce it, and have it referred to a committee.<sup>24</sup>

MR. INSP. GEN. HINCKS denied that a committee had ever waited upon him or any other member of the Government in regard to that measure, and would like to know the names of the parties.<sup>25</sup>

MR. W. BOULTON said he had been informed on good authority, that Mr. Morris, Mr. Harper, and Mr. Cameron<sup>26</sup> of the Bank here<sup>27</sup> had waited upon him.<sup>28</sup>

MR. INSP. GEN. HINCKS.--Did the hon. member say that they were a committee of Bankers?<sup>29</sup>

MR. W. BOULTON.--Yes.<sup>30</sup>

MR. INSP. GEN. HINCKS said that the fact was, that these gentlemen, all of whom belonged to the Commercial Bank, did not wait on him in concert or formally on this subject at all.<sup>31</sup> He had met them occasionally in the street, but never all three together.<sup>32</sup> Indeed he had never seen Mr. Morris on the subject. The other gentlemen, Mr. Cameron and Mr. Harper did not come specially to him on the subject.<sup>33</sup> They had conversations on fifty subjects, and this amongst the rest; but he never said anything to either of them which would bind the government. He did not like hon. gentlemen opposite to anticipate the Government in their measures. The Bill had been prepared weeks ago, some time before the meeting of Parliament; but it had been thought advisable to postpone its introduction for reasons which would be satisfactorily explained by the Hon. Chief Commissioner of Public Works, were he in his place. A Bill respecting the Currency had also been under consideration, and it had been thought better to have it disposed of before introducing the Banking one. It had only been within the last twenty-four hours that the Government had decided upon introducing it; despatches having been received from the sister colonies on the subject which he had only had time to read to-day. The Bill they intended introducing, was not compiled from other statutes, but had been very carefully drawn up.<sup>34</sup> When it came up in conversation some time ago, he had said that the Government did not intend introducing a bill that Session. That was then the intention of the Government, which for various reasons had been changed, but, only, that very day<sup>35</sup> they ... decided to introduce a measure.<sup>36</sup> He thought that if the member really desired the passage of a measure of the character he proposed, he

would rejoice at the Government taking it up, as they possessed more influence than he (Mr. B.) could possibly have, to carry it. He (Mr. B.) said that he had taken a great deal of trouble in the preparation of his bill and appeared to think that the Government were only going to introduce a copy of it. Now the Government measure which had been prepared some time ago, differed from the New York State bill in many<sup>37</sup> important<sup>38</sup> particulars, and did not exactly resemble any bill which he (Mr. B.) had ever heard of.<sup>39</sup> He complained that the kind of attack made upon him was unfair. He considered it absurd to hold the government responsible for every private conversation with one of its members. And he thought it unusual for a private member to persist in endeavouring to introduce a bill when he was told that the government intended to introduce one on the same subject.<sup>40</sup> When the Government had announced what the measure was, if he was then satisfied, it would be better to cooperate with them.<sup>41</sup>

MR. W. BOULTON reiterated his statement as to the bankers having called on the Inspector General, and appeared to think the Government pledged not to bring in any measure.<sup>42</sup> ((He)) thought it improper for a member of the government to inform a number of gentlemen of one thing, and then for the government to do another.<sup>43</sup>

MR. INSP. GEN. HINCKS appealed to the House, whether it was fair that what was said by a member of the Government casually, in the street or in his office, without preparation, should be considered to pledge the Administration to a particular course. At the time the conversation alluded to, occurred, he had not spoken to his colleagues on the subject.<sup>44</sup>

MR. H. SHERWOOD (Toronto) said that he did not consider the Government to be responsible for the casually-expressed opinions of an individual member, and thought that it was the duty of his colleague to withdraw his bill, when the Government declared their intention of introducing a similar measure.<sup>45</sup>

MR. W. BOULTON said he had been told that government were not going to introduce a measure on the subject.<sup>46</sup>

SIR A. MACNAB could not agree with the member for Toronto (Mr. Sherwood)<sup>47</sup>. It was the usual custom for the Government in the speech from the throne, to intimate what measures they intended bringing forward during the session; but no intention had been given of this bill. He therefore thought the hon. member for Toronto had a perfect right to introduce it, and he hoped would press it.<sup>48</sup> ((He)) characterized the refusal to allow members to introduce bills, as tyrannical, arbitrary, and contrary to British practice.<sup>49</sup>

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Niagara and  
Detroit Rivers  
Railroad Bill.  
(No.2.)

Ordered, That the Honorable Mr. Hincks have leave to bring in  
a Bill for the incorporation of a Company to construct a  
Railroad between the Niagara and Detroit Rivers.  
He accordingly presented the said Bill to the House,<sup>50</sup>

MR. INSP. GEN. HINCKS asked leave to introduce a bill to incorporate the Niagara and Detroit Rivers Railroad.<sup>51</sup>

SIR A. MACNAB complained that he had been taken by surprise by the Inspector General's introduction of the bill<sup>52</sup>, having opposed a similar one last year. It was a singular coincidence that the Inspector General had been appointed to the Committee on Railroads just before introducing the bill, on the motion of the hon. member for Montmorenci; he would not oppose the bill at this stage of the proceedings.<sup>53</sup>

MR. INSP. GEN. HINCKS' course on the present occasion should not have caused the gallant Knight any surprise; he had opposed the bill of last session because a very large majority of his constituents in Oxford were in favour of the Great Western Railroad, while now the same majority were in favour of the Detroit and Niagara Rivers. He had also opposed the bill of last session, because he believed that according to an agreement between the gallant Knight from Hamilton, and the member for Essex, the 'Detroit and Niagara Rivers' Company had no right at that time to apply



for a charter. He had been asked to take charge of the bill by the parties interested.<sup>54</sup>

SIR A. MACNAB made a gesture of unbelief.<sup>55</sup>

MR. INSP. GEN. HINCKS re-asserted that it was so<sup>56</sup> and knowing the great importance attached to it by his constituents, who had sent strong petitions in its favour, he could not refuse doing so. The member for Hamilton appeared to charge him with some unfairness in his appointment to the Railroad Committee. He could only say that he had no communication with the member who proposed him (Mr. Cauchon) on the subject, and had never expressed a wish to be put on the Committee.<sup>57</sup>

COL. PRINCE rejoiced that the railroad was to receive the able support of the hon'ble Inspector-General.<sup>58</sup>

MR. CAUCHON had no communication with the Inspector General before proposing his name.<sup>59</sup>

SIR A. MACNAB thought it extraordinary that the Inspector-General should have framed his opposition to the measure last session on the arrangement between himself and the member for Essex.<sup>60</sup>

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*and the same was received and read for the first time; and ordered to be read a*

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*second time, on Wednesday next.*

Law Practice  
Improvement  
Bill.

*Ordered, That the Honorable Mr. Sherwood have leave to bring in a Bill for the improvement of the Practice of the Law, and for limiting the amount of Costs to be taxed and recovered in certain Courts in Upper Canada.*

*He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time, on Monday next.*

*On motion of Mr. Notman, seconded by Mr. Fergusson,*

Fees to Jus-  
tices of the  
Peace (U.C.).

*Resolved, That this House do now resolve itself into a Committee, to consider the expediency of regulating Fees to Justices of the Peace in Upper Canada.*

*The House accordingly resolved itself into the said Committee.*

*Mr. Stevenson took the Chair of the Committee;<sup>61</sup>*

MR. H. SHERWOOD (Toronto) would like to know why the Government did not take the introduction of that measure upon themselves, and whether they took the responsibility of it.<sup>62</sup> He should hold the government responsible for any action in this matter. He understood that the object of the mover was to alter the fees of Justices of the Peace appointed by government to administer criminal justice.<sup>63</sup>

MR. AT. GEN. BALDWIN had no desire to shrink from any responsibility that belonged to the government. It had not occurred to them that this matter was a matter in which the government ought to interfere; nor had they a desire to control the action of the House, as was sometimes attributed to them. Until the propositions were submitted he could not say what course the government would take.<sup>64</sup>

MR. NOTMAN said, it was the same identical resolution, which occupied the House last Session for two or three evenings, and it had been referred to a Committee which had not sat again.<sup>65</sup>

COL. PRINCE said he was opposed to fees being paid to Magistrates at all. It was a shame that men should make a living out of the poor wretches who were bro't before them for punishment.<sup>66</sup>

(67)

*and after some time spent therein,*

*Mr. Speaker resumed the Chair;*



And Mr. Stevenson reported, That the Committee had made some progress, and directed him to move for leave to sit again.

Ordered, That the Committee have leave to sit again, on Thursday next.

On motion of the Honorable Mr. Boulton, seconded by Mr. Hopkins,

Law Practice  
Bill.

Ordered, That the Bill to alter, simplify and amend the Practice of the Law, and to diminish Law Expenses, be now read a second time.

The Bill was accordingly read a second time; and referred to the Select Committee to which was referred the Bill to amend the Law, simplify the practice, and reduce the expense of legal proceedings in Upper Canada.

Foreign Merchant Vessels  
Bill.

An engrossed Bill to extend certain Provincial Acts to Foreign Merchant Vessels when within this Province, was, according to Order, read the third time.

Resolved, That the Bill do pass.

Ordered, That the Honorable Mr. Hincks do carry the Bill to the Legislative Council, and desire their concurrence.

Slander and Libel Law  
Bill.

An engrossed Bill to amend the Law relating to Slander and Libel, was, according to Order, read the third time.

Resolved, That the Bill do pass.

Ordered, That the Honorable Mr. Cameron of Cornwall do carry the Bill to the Legislative Council, and desire their concurrence.

Bill to exclude certain persons from Offices.

The Order of the day for the second reading of the Bill to exclude persons from Offices who have been concerned in creating them, or increasing their emoluments, being read;

Ordered, That the Bill be read a second time, on Monday next.

Actions of Dower Bill.

The Order of the day for the second reading of the Bill to alter the practice of the law in Actions of Dower in Upper Canada, being read;

Ordered, That the Bill be read a second time, on Monday next.

Actions of Ejectment Bill.

The Order of the day for the second reading of the Bill to alter and amend the practice and proceedings in Actions of Ejectment in Upper Canada, being read;

Ordered, That the Bill be read a second time, on Monday next.

Cullers' Bill.

The Order of the day for the second reading of the Bill to amend the Act passed in the eighth year of Her Majesty's Reign, chapter forty-nine, intituled, "An Act to regulate the culling and measurement of Timber, Masts, Spars, Deals, Staves, and other articles of a like nature, and to repeal a certain Act therein mentioned," being read;

Mr. Laurin moved, seconded by Mr. Ross, and the Question being proposed, That the Bill be now read a second time;<sup>67</sup>

MR. LAURIN.--The hon. gentleman spoke in French, and so indistinct as not to be understood. His object was to amend the Act now in force, relative to the measurement of timber.<sup>68</sup>

MR. SOL. GEN. DRUMMOND opposed any interference with the present law, which gave real satisfaction to the parties principally concerned.<sup>69</sup>

Several hon. members who were now engaged in the lumbering business, mentioned that the Act now in force, gave full satisfaction.<sup>70</sup>

MR. M. CAMERON (Kent) explained the object of the present law, which was in exact accordance with the demands of the trade, and said he would resist any attempt to alter it.<sup>71</sup>

MR. CAUCHON ... spoke for ((the motion.))<sup>72</sup>

MR. CHRISTIE said that there had been no petitions for the bill; and he believed that it would injure the whole trade for the benefit of a few persons. He would, therefore, move in amendment "that the bill be not now read a second time but that it be read this day three months."<sup>73</sup>

(67)

*Mr. Christie moved in amendment to the Question, seconded by Mr. Gagy, That the word "now" be left out, and the words "this day six months" added at the end thereof;*

MR. ROSS could not understand the opposition to this bill, which was almost word for word the same as the law in existence, the only difference being that it was framed in such a manner as to prevent evasion. He contended that the bill should be read a second time, and referred to a special committee.<sup>74</sup>

MR. RICHARDS believed that the lumberers and the purchasers of lumber were satisfied with the law which at present existed and that the alteration sought for by the bill then before the House, was only at the instance of the cullers. He did not think that the law should be altered for the mere pecuniary interests of the latter.<sup>75</sup>

MR. INSP. GEN. HINCKS had been prepared to vote for Mr. Christie's amendment, until he heard the explanation of the hon.<sup>76</sup> member for Montmorency and Megantic.<sup>77</sup> After hearing that explanation, he thought it would perhaps be better to refer the bill to a select committee.<sup>78</sup>

MR. MALLOCH was in favor of the amendment. He knew the Culler's act as it at present stood gave general satisfaction. But he did not blame the hon. Inspector General for endeavoring to smooth down the hon. members for Montmorency and Megantic.<sup>79</sup>

(67)

*And the Question being put on the Amendment; the House divided: and the names being called for, they were taken down, as follow:--*

YEAS.

*Messieurs Badgley, Boulton of TORONTO, Cameron of KENT, Cartier, Christie, Crysler, DeWitt, Dickson, Solicitor General Drummond, Fergusson, Flint, Gagy, Hall, Holmes, Hopkins, Johnson, Solicitor General Macdonald, Malloch, McConnell, Merritt, Meyers, Notman, Prince, Richards, Robinson, Sanborn, Scott of TWO MOUNTAINS, Seymour, Sherwood of TORONTO, Smith of FRONTENAC, Stevenson, and Thompson.--(32.)*

NAYS.

*Messieurs Attorney General Baldwin, Cauchon, Chabot, Chauveau, Dumas, Fournier, Fourquin, Guillet, Hincks, Lacoste, LaTerrière, Laurin, Lemieux, Méthot, Mongenais, Morrison, Polette, Price, Ross, Taché, and Viger.--(21.)*

*So it was resolved in the Affirmative.*

*Then the main Question, so amended, being put; the House divided: and the names being called for, they were taken down, as in the last preceding division.*

*Ordered, that the Bill be read a second time this day six months.*

*Wesleyan Ministers Relief Bill.*

*The Order of the day for the second reading of the Bill to relieve Ministers of the Wesleyan Methodist Church in Canada from the obligation to obtain Special Licenses in order to keep Registers of Baptisms, Marriages and Burials in Lower Canada,*

*being read;*<sup>80</sup>

MR. FLINT moved the second reading of the bill to relieve Wesleyan Ministers from the obligation to obtain licenses for keeping registries of marriages, baptisms,



&c. in Lower Canada.<sup>81</sup>

MR. SOL. GEN. DRUMMOND said, he had been informed by clergymen of that persuasion that the bill in its present shape would not relieve them from all the disabilities to which they are subject; and he, therefore, requested the hon. gentleman to postpone the second reading until Monday next<sup>82</sup> to enable him, in the mean time, to look into the law on that subject.<sup>83</sup>

MR. FLINT said that the bill had been entrusted to him by the hon. member for Ottawa, and he did not feel it proper to postpone the second reading. It was his intention, however, to refer it to a select committee. Perhaps that would suit the Solicitor General's views.<sup>84</sup>

MR. M. CAMERON (Kent) would vote for the second reading, and for a reference to a special committee, with the view of bringing in a general measure to relieve these ministers from all disabilities.<sup>85</sup> The present grievance was one of those which had crept into Canada, making distinctions between the established and the dissenting churches.<sup>86</sup> This bill did not go far enough.<sup>87</sup> The Wesleyan ministers were now<sup>88</sup>, under the present system,<sup>89</sup> compelled to apply to the Governor to be enabled to keep a register of births and baptisms, and to pay<sup>90</sup> from three to five pounds<sup>91</sup> to be able to celebrate marriages.<sup>92</sup> This weighed very heavily on some of them; and he conceived that it ought to be altered so as to enable them to perform all the functions of their office on the same footing as ministers of other denominations.<sup>93</sup> He believed that other churches suffered similar grievances, and if the bill be submitted to a select committee, he hoped that that fact would be looked into, so that all ministers might be placed on the same footing.<sup>94</sup>

MR. INSP. GEN. HINCKS concurred entirely in the opinions of the hon. member for Kent. He had reason to believe that the ministers of several other creeds were under the same difficulties; and he believed there was but one opinion in the House that the bill should be so extended as to relieve them all.<sup>95</sup> ((He)) hoped that the bill would be referred to a select committee.<sup>96</sup>

(67)

*The Bill was accordingly read a second time; and referred to a Select Committee, composed of Mr. Flint, Mr. DeWitt, Mr. Solicitor General Drummond, Mr. Richards, and the Honorable Mr. Cameron of Kent, to report thereon with all convenient speed; with power to send for persons, papers, and records.*

Real Property  
Registration  
Bill.

*The Order of the day for the second reading of the Bill to amend the Ordinance which provides for the Registration of Titles to and Incumbrances on Real Property, being read;*

Ordered, That the Bill be read a second time, on Monday next.

Court of  
Chancery  
Proceedings  
Bill.

*The Order of the day for the second reading of the Bill to confirm Decrees and Orders and other proceedings of the Court of Chancery of Upper Canada, in certain cases, being read;<sup>97</sup>*

MR. COM. CR. LANDS PRICE moved that the Bill to confirm certain orders of the Courts of Chancery should be postponed until Monday next. He had explained his object in introducing the Bill, which was to compel the Court of Chancery to confirm certain orders made by one of the present Vice-Chancellors, respecting the estates of debtors in foreign lands. The majority of the Court as at present constituted had refused to recognise these orders. The result would be, that the proceedings must all be commenced de novo, and a great deal of unnecessary litigation and expense would ensue.<sup>98</sup>

MR. AT. GEN. BALDWIN said that hon. members appeared to be under some misapprehension with respect to this question.<sup>99</sup>

(67)

Ordered, That the Bill be read a second time, on Monday next.



Local Taxes  
(U.C.) Bill.

The Order of the day for the second reading of the Bill to enable Collectors of local Taxes in Upper Canada, for the several years between 1836 and 1848, both inclusive, to recover Taxes accrued in such years respectively and remaining due, being read;

The Bill was accordingly read a second time; and committed to a Committee of the whole House, for Monday next.

(68)

Bill relating to  
Upton Township.

The Order of the day for the second reading of the Bill to separate certain concessions of the Township of Upton from the District of Three Rivers, and to unite them for Judicial purposes to the District of Montreal and to the St. Hyacinthe Circuit, and for Municipal purposes to the Parish of St. Hugues in the last named District, being read;

Ordered, That the Bill be read a second time, on Monday next.

Imprisonment  
for Debt Bill.

The Order of the day for the second reading of the Bill for abolishing imprisonment for Debt, being read;

The Honorable Mr. Boulton moved, seconded by the Honorable Mr. Merritt, and the Question being put, That the Bill be now read a second time;<sup>100</sup>

MR. H. BOULTON (Norfolk). In introducing this Bill he said<sup>101</sup> that he had several times introduced a similar Bill, but to no purpose.<sup>102</sup> As the law now stands, the creditor has it in his power to force from the unfortunate debtor, or rather from his friends, the payment of a debt of which he knew the risk he ran when he trusted the other.<sup>103</sup> All his property might be appropriated to the liquidation of his liabilities, but no creditor should be empowered to detain the body of a debtor. Whenever a Trader allowed a customer to obtain articles on credit, he took good care to charge a per-centage on the cost to cover the risk which he incurred by trading upon the credit system; therefore, the creditor was much more to blame than the debtor.<sup>104</sup> In Lower Canada there is a law in force which he (Mr. B.) introduced, by which persons cannot be arrested merely for being in debt; but in other parts of the Province the state of the law is such, that a creditor can commit greater inhumanity than is attached to slavery itself. The operation of the present system, as regards debtor and creditor, he said was so well understood by gentlemen, that it were unnecessary for him to enter into any amplification to show that a man may be imprisoned for debt, or a mere surmise of fraudulent (sic) intention. In other cases even where individuals are guilty of the commission of crime, they cannot be punished without the intervention of a jury. And if a debtor was guilty of fraud or had contracted a debt without having the means, or expecting to have them, or of discharging it, he should be tried before a jury as for a misdemeanor<sup>105</sup> as by such proceeding the debtor would be punished for fraudulent dealing, and not merely because he was unfortunate enough to be in debt.<sup>106</sup> If a man at present purchases a watch for £100, he can be imprisoned, until he is set at large by means of an expensive process; but before he is discharged, must offer proof of his inability to make payment. If on the other hand, he had stolen the watch, and had been arrested for the offence, in nine cases out of ten he would not be imprisoned so long, if it were his first offence. Yet, every day, debtors are imprisoned by vindictive creditors. No man, he said, should be a judge in his own cause; and who, while smarting under the loss of his money, is incapable of deciding impartiality, with reference to a debtor who is unable to pay his debt. No man, he said should be imprisoned without a trial before an independent tribunal.<sup>107</sup> It is contrary to the spirit of scripture. He quoted from Lord Eldon to the effect that imprisonment for debt was unjust and cruel. The hon. member dilated upon the cruelty of this kind of imprisonment.<sup>108</sup> But in this instance not only is the individual the sufferer, but<sup>109</sup> leaving them in a desolate, helpless, and miserable position<sup>110</sup> he is prevented from discharging those duties which he owes his family, and by which he might contribute to their support; he enters a prison and leaves to the cold charities of the world the wife of his bosom, surrounded by the children of their love, too young to understand the nature of his misfortune that has befallen them, or for

what their father had been treated as a criminal. All these considerations should enter into the minds of men when brought to the contemplation of this subject; and if they were so callous as not to participate in the sufferings which were thus occasioned, he (Mr. B.) did not envy them their feelings. Not only was individual suffering created in this way, but society sustained a loss<sup>111</sup> of a certain amount of productive labor<sup>112</sup> whenever a debtor was incarcerated in goal; as every man who was capable of labour, did by that labour contribute to the wealth of a country--the industry of the population of Canada, he said, constituted its actual wealth. Was not a man forcibly thrust into prison therefore, rendered one of the unproductive class against his will, and must he not be supported by individual bounty, or at the public expense; for public sentiment did not allow him to die there of starvation, as the law provides that he shall have sufficient food to sustain existence; the expense of which must come out of the pocket of some one. It was therefore desirable upon every principle, whether of humanity, of private rights or of public policy, that the Legislature should interfere, and put an end to so crying an evil. Even the moral condition of the man became changed by his confinement in the cell of the debtor, which is but one remove from that of the culprit, and is compelled to lead a life of idleness, which is almost invariably the precursor of evil<sup>113</sup>, and placed him in a position in which he could neither do any good to himself nor society<sup>114</sup>; and if he entered an ordinarily respectable man, would come out less moral and respectable than he went in. He (Mr. B.) had a letter in his hand, by which it appeared that at Woodstock, there were eight persons confined in the jail of that place, for the purpose of compelling them to pay the small debts they owed; and he put it to every respectable practitioner in that House, if in one case out of twenty, such a procedure effected the payment of a debt. The experience of thirty<sup>115</sup> years had taught him that such was not the result.<sup>116</sup> Imprisonments for debt, he continued, had generated a system of false swearing and the exercise of every description of ingenuity by which deception could be practiced, and had prevented individuals from pursuing their respective avocations, by which they might have discharged their liabilities; and he had known instances where parties, who had fled beyond the reach of their creditors, who, when the law was so modified that they were free from personal arrest, came back, and by their industry, paid their debts like honest men. He could appeal to the Commissioner of the Board of Works whether he was not correct in this assertion, and who must recollect an instance where a man who had absconded returned, and subsequently paid parties to whom he was indebted; and who said he did not run away to avoid the payment of debts, but that he might not be put in prison. There were numerous other cases, he said to which he could refer, of a similar character but which he did not deem necessary; and it was the opinion of men of business, that kindness, by softening the heart of the debtor, would effect more than they could be compelled to do, even by the terrors of a prison; and he had known those of extensive dealings, who had never lost a debt, and who had acted with unbounded benevolence and liberality. The learned gentleman after an eloquent appeal to the feelings and understandings of his auditors, to which, in a brief sketch it is impossible to do ample justice, concluded by moving the second reading of a Bill for the abolishing imprisonment for debt.<sup>117</sup>

MR. SOL. GEN. MACDONALD said, as the law now stands, the debtor can have the benefit of the limits, which extend all over the country; while it affords the creditor an opportunity of questioning him as to the manner in which he has disposed of his property; and if he will not give satisfactory answers, he must remain in jail till he does so. The Bill then before the House he said, took away the only mode of ascertaining what a fraudulent debtor had done with his property; and substitutes no other mode by which this may be done. The learned member for Norfolk had cited the case of a man purchasing a watch, and who might be put in jail because he did not pay for it; but parties frequently made purchases without intending to pay, and who often put the creditor to costs exceeding, perhaps, the debt, in obtaining from them an acknowledgment of what they had done with the property. He (Mr. McD.) would ask hon. members if they were prepared to take away from the creditor the only means which he possessed of obtaining satisfaction. At present, he said, a party arrested



under mesne process, has only to swear that he is not worth five pounds, and he must be discharged; or if supported in jail, is confined there not because he is in debt, but because he will not pay his debts when he has the means at his disposal. Besides all this, he said, there is an obvious objection arising from this Province having an extended frontier, thus affording debtors an opportunity for escape. The tendency of legislation, during the last three or four years, has been to relieve the debtor at the expense of the creditor; while a man is very seldom put in jail unless he has property to pay his debts.<sup>118</sup> He did not think that one out of ten would arrest another, unless he knew that he was able to pay.<sup>119</sup> The learned member for Norfolk, he said, had alluded to the Bill he formerly brought in for the relief of debtors, but which had cost the Province as much as would have paid all the debts that were litigated to explain it. He concluded by saying he was opposed to the second reading of the Bill then under consideration.<sup>120</sup>

MR. M. CAMERON, of Kent, considered the Bill as one of the greatest importance, and which the learned member for Norfolk had introduced with an eloquence and in a manner which became him as a gentleman, a philanthropist, and a statesman; while the gentleman who had just sat down had treated the subject only as an attorney, who had been in the habit of conducting cases, in accordance with a system, which is an outrage on humanity. He had told the House that the tendency of legislation had recently been in favor of the debtor, at the expense of the creditor, and probably regretted the time when the debtor could not be sold as a slave--even slavery itself, however, is not so bad as incarceration for debt. He (Mr. C.) had known a person to be confined in jail, at Montreal, seven years, for debt.--Was a law, under which such an outrage could be perpetrated, to be defended, or was it consistent with the mild principles of christianity, or the humanity of the present day? There were, at present, eight men confined in jail at Woodstock, whose aggregate debts do not probably amount to £100. The experience of every man who is conversant with the operation of the present law, must satisfy him that its tendency is not to promote the payment of debts, but to encourage persecution, perjury, and fraud; these being almost invariably the result. The Solicitor General had complained that the Bill which was now being discussed, would at one sweep do away with the law which enables a creditor to prosecute a debtor; and had alluded to the costs which had been incurred in explaining an act, formerly introduced for the relief of insolvent debtors. It certainly was not so plain as the present Bill, into which the learned member for Norfolk has managed to introduce a simple mode of operation. He (Mr. C.) would readily admit, that if a man makes away with his property or detains goods under false pretences, he should be punished. But if the party had become unfortunate, or from ill health or any other domestic calamity was unable to pay, he ought not, therefore, to be incarcerated in jail. And what more powerful appeal could be made, than that which had been advanced by the learned member for Norfolk, as to the demoralizing effects of confinement for debt, with reference to the individual himself, and the disgrace and misery which it entails on the family of the unfortunate debtor.<sup>121</sup> He said it must sour a man, tend to destroy his health, and cause the iron to enter his soul.<sup>122</sup> Is he not thereby lowered in his own estimation, and will he not while in prison, contract habits of idleness, if not of immorality; while at the same time, the means of supporting his family are taken from him--and all this, too frequently, to gratify the vindictive feelings of a hard-hearted creditor. He (Mr. C.) was not aware that the Bill was coming up for discussion that night, and had prepared a measure to bear upon the subject, but which he had not with him. Although the law in this Province has been rendered much more favorable to the debtor than it was formerly, yet it is not what it is in England and the United States. In the latter country, he said,<sup>123</sup> with the exception of the chattel property,<sup>124</sup> not only is imprisonment for debt abolished, but the tools of the mechanics and the farming utensils of the agriculturist, and in some States even the family homestead were reserved, in order that a helpless family should not be thrown destitute upon the world, to gratify the desires of a vindictive creditor. He (Mr. C.) did not think there would be any effectual measure adopted in this Province for the protection of the unfortunate debtor, until the



small Courts are abolished for the collection of debts under twenty or thirty pounds.<sup>125</sup> He stated that this would have the effect of making persons more careful whom they trusted<sup>126</sup>. He here referred to the English statutes in support of this position, where the sum is extended to fifty or a hundred pounds. The adoption of that principle, he said, would have the effect of destroying the credit system, by which high prices are obtained. With reference to the effect of the small debt system in England it appeared that during two years and a half, 70,000 individuals had formerly been arrested and sent to jail at an expense of £150,000 to the parties who had been put in prison and 2316 persons had been sent to Horsemonger jail alone. He (Mr. C.) trusted that the feelings of the gentleman who last spoke, were not those entertained generally by gentlemen in the House; and he trusted there were other members of the learned profession who were actuated by principles of enlarged and enlightened benevolence; who would come forward and support the measure then under consideration; and which could, in no way, prove injurious to the operations of trade, or injurious to the interests of men engaged in business, who, in giving credit, would be guided by the confidence which they reposed in the applicant--or, if he were a stranger or in indigent circumstances, would take care to be properly secured, before they parted with their property.<sup>127</sup> He said the whole history of the law of imprisonment in this country had been one of fraud, perjury and persecution.<sup>128</sup> The Bill of the learned member for Norfolk, should therefore have his hearty support.<sup>129</sup>

MR. H. SHERWOOD of Toronto, said he had always been the advocate of a law for abolishing imprisonment for debt, and he was still favourable to the passing of such a bill; and the principle by which the friends of such a measure are actuated, is one which should characterise the Legislature. But while he stated that he was in favour of the improvement of the laws in this respect, he was not favourable to the present proposition. He would vote for the abstract principle cheerfully, but was desirous that the creditor should not be deprived of a proper amount of security against fraud. While he went for the Bill, therefore, he wished to be understood that it must go farther than it proposed, and protect the creditor against the fraudulent debtor. When a man was in debt and possessed the means of paying, he should be compelled to do so; but where, from adverse circumstances, he was unable to pay, it was hard and cruel in the extreme to put him in prison, and leave his family to suffer; which would not be the case if he were permitted to go at large. But if a party gets into debt, and transfers his property or conceals it, that man should be treated as a criminal and dealt with accordingly. That is a course, he said, which every Legislature should adopt. But to retain a man in prison where no funds exist, was to make him a criminal because he could not pay his debts. Now many were there among the yeomanry and other inhabitants of the Province, who with a view to support a family, or to establish themselves in life, contracted debts, which from sickness and other causes they were subsequently unable to pay; and who were liable to be kept in prison because of that inability. He (Mr. S.) knew of an individual in Johnstown, who had thus been incarcerated there for ten years, and who was subsequently imprisoned in Toronto. He concluded by saying that he did not desire to take up the time of the House, after the eloquent speeches they had heard from the members for Norfolk and Kent; and while he recorded his vote in favour of the second reading of the Bill, he did so because he was in favour of the abolishing of imprisonment for debt, but he could not vote for it at any subsequent stage of the proceedings, unless provisions were introduced to protect the creditor from fraud.<sup>130</sup>

MR. G. SHERWOOD of Brockville wished to record his sentiments with reference to the Bill. Imprisonment for debt, he said, had never answered any good purpose. He had given the subject much consideration, owing to the nature of his profession, and was satisfied it never had been any benefit to the creditor himself. Above a certain sum, a man cannot be imprisoned unless he is about to leave the Province. But men are often willing to swear to anything and if one perjury were committed, others followed to sustain it; and it frequently happened that a discharge followed the first affidavit. Taking into consideration the immorality which resulted from

imprisonment for debt and the little advantage of which it was productive to the creditor, and the decided injury which it inflicted upon the debtor and his family, he was satisfied the sooner the country was rid of it the better. He would not encourage the fraudulent debtor, however, and thought that in committee clauses might be added to restrain or punish him. But, whether that were done or not, he should vote for the Bill, and if it were found necessary, more stringent clauses might be subsequently added. The only argument of any plausibility that had been adduced against the measure was, that owing to the extended frontier of this Province, the creditor could not be adequately protected unless he had the power to imprison the debtor. But how often was this found not to answer, and how frequently did it happen that the creditor proceeded on information which he had obtained that the party was about to leave the Province, which afterwards was found not to be correct; and in this way the debtor had been disgraced, ruin entailed on his family, and the loss of the debt to the creditor had been the consequence. If the law therefore were done away with, it would be an advantage, as credit would not be given without reference to the circumstances or character of the party, ... ((and)) means being taken to secure the payment of the debt, by the ordinary course of business. He would merely state in conclusion that the Bill which had been passed, authorizing an attachment to issue in all cases where the debt was under £10, had been found to be advantageous to the country. Why not then extend it to debts above that sum? He thought if that power were given to the creditor, it would afford him every desirable control and protection, with reference to the fraudulent debtor; and would also be a great benefit to the Province.<sup>131</sup>

MR. J. CAMERON of Cornwall, admitted that the law which existed in England, before the reformation which has taken place of late years there, was a disgrace to humanity. This it had been found necessary to alter, and the Legislature took it up, and effected a very great improvement; since which not a single complaint has been heard in that country. By one of the changes that were effected, it was provided that ((not)) only must there be the affidavit of the creditor, but also of two other persons that the debtor is about to quit the kingdom<sup>132</sup> before the arrest can take place<sup>133</sup> and such had been the altered state of things, that where at one time 70,000 persons had been imprisoned in two years and a half, as had been stated, at present the debtor side did not contain one prisoner, and<sup>134</sup> there were no such harrowing scenes now arising out of the operation of the law of imprisonment for debt, as some hon. gentleman endeavoured to depict, of<sup>135</sup> those houses so celebrated in novels, called "spunging houses,"<sup>136</sup> and poor debtors incarcerated for 20 years.<sup>137</sup> The law in this Province had also been entirely changed, and he thought that the proposed alteration was not justifiable now, while the advocates of the Bill were in favour of abolishing imprisonment for debt, they would continue it when a fraud had been perpetrated.--Why advocate imprisonment in one case, and not in the other? Formerly the law here was that process could issue when parties were about to leave the Province, but as it now stands, there must be an affidavit that the debtor is about to leave the Province, with a view to defraud the creditor. If the law were so amended that the affidavit of two other persons besides the creditor were required, and the party could attach the property of an absconding debtor, and a judge give an order for his imprisonment, then every improvement which was required would be effected. With the extended frontier, he said, which this Province possesses, there should be some process to prevent the debtor from escaping, and under the present operation of the law, the feeling picture which had been drawn of the distress of families caused by hard-hearted creditors, was one merely of the imagination. In England, it is true, men formerly rotted in jails, and remained there till hope abandoned the heart; but that period had forever passed away, the genius of British liberty<sup>138</sup>, the enlightenment of the age<sup>139</sup>, would not permit it longer to exist, and the law as at present administered, and as it should be in a commercial country, equally protects the debtor and the creditor. He repeated that he was willing to place the law upon the same footing as it is in England, where the affidavit of three persons is required, and stated his conviction that<sup>140</sup> the hon.



member for Kent did not know what he was talking about when he said that imprisonment for debt did not exist in<sup>141</sup> New York.<sup>142</sup>

MR. G. SHERWOOD of Brockville said that it had been entirely abolished.<sup>143</sup>

MR. J. CAMERON ((continued:)) During the last Session of the Legislature of that State<sup>144</sup>. The hon. member went on to say that it must have been within the last 18 months.<sup>145</sup> At all events, Mr. Cameron continued, a stranger might be arrested and detained thirty days to search for any property which as a debtor he might possess; and in this way debts could be recovered, as the party might find it inconvenient to remain during that time or give security. The law for imprisonment for debt, he continued, still exists in several of the States at the South. If imprisonment for debt were abolished, did gentlemen imagine that that would do away with the credit system? It would not have that effect; and if not, why then take away the recourse which a creditor has upon a fraudulent debtor? It would seem from the tone of members, that in this vast Province not a single lenient creditor existed, and the cry was raised as to destitute and suffering families, and of vindictive creditors who would wring the life blood from the heart of the unfortunate debtor, and who would incarcerate him tied hand and foot, with a view of depriving him of those rights which he ought to possess. Imprisonment for debt, he said, inflicted no stain upon the individual or his family; it was only when he committed a fraud that criminality attached to him. He would continue the right of arrest under affidavits, and should oppose the second reading of the Bill.<sup>146</sup>

MR. COM. PUB. WORKS MERRITT said the measure should have his hearty support and concurrence. Ever since he had the honour of holding a seat in that House, he had been desirous of abolishing the law of imprisonment for debt. Why deprive a man of his liberty because he is in debt, and unfortunately cannot pay? One learned gentleman had contended that a man should be imprisoned for the purpose of putting to him certain interrogatories. But why should he not retain that liberty which he ought to enjoy. Imprisonment for debt, he said, was a relic of barbarism, and he was astonished that any advocate should be found for its continuance on the floor of that House, and in the present enlightened age of the world. Had gentlemen seen persons incarcerated, as he had done at Niagara, for debt, they would not defend the practice. Another argument which had been used was that the interests of the creditor were neglected by the Bill; but the creditor would take care of himself; and in the State of New York, to which allusion had been made, foreigners might be arrested, but no American could there be imprisoned for debt. The system did not exist he believed on the Continent of Europe; and in England it had been established by a fiction of the law; it originated at first in the collection of rent, and went on gradually till the lawyers got into full operation. In the neighbouring republic, he said, where this stigma does not exist, they saw trade flourishing, credit good, confidence unimpaired, and the character of its inhabitants elevated, notwithstanding the absence of a law authorizing imprisonment for debt, which with scarce an exception is unknown in the Eastern States. He had heard hon. members say they were in favour of pursuing a similar course here; then why not exercise their discretion? Some gentlemen were in favor of abolishing imprisonment for debt; and others wished that it should still be retained where fraud was committed or intended. But he (Mr. M.) would go any length to sweep it from the statute book, and would not wait till both were coupled. He would vote for the Bill at every stage, and if the lawyers thought any thing more was required, to protect the creditor against fraud on the part of the debtor, let them bring in a bill to that effect.<sup>147</sup>

MR. WILSON said the law did not authorize the imprisonment of a man for debt, but because he had committed a fraud or intended a fraud.<sup>148</sup> As the law formerly stood a man could be arrested for debt; now this cannot be done.<sup>149</sup> The law as at present enforced attained the very object contended for by the abolitionists, inasmuch that no debtor can be arrested and incarcerated<sup>150</sup> in jail for any length of time, unless it is proved<sup>151</sup> upon oath<sup>152</sup> that he has the means and intends to abscond, or that having the means he will not pay his debts; and it was admitted on



all hands that a debtor should be punished, who was guilty of fraudulent conduct.-- The learned gentleman here recapitulated what the law is at present in operation. If, he said, it was suspected that a debtor possessed goods, he must answer certain interrogatories touching those goods; and if it were ascertained that he had more in his possession, and had fraudulently conveyed them away, then he must be discharged. What ground, therefore, was there he would ask for complaint. He (Mr. W.) had known persons who remained in prison year after year with ample means, rather than pay their debts. The member for Kent contemplated bringing in a bill for protecting even the homestead, that is, while a debtor had deprived a creditor of his homestead, he should be able to retain his own! He (Mr. W.'s) principle was, that the debtor should pay to the last farthing he possessed. At present the creditor could not set the law in motion without just cause; and there was not one instance in a hundred where a party was imprisoned unless fraud existed. What inducement indeed could a creditor have for so doing, he would not thereby obtain payment of his debt, he would have to pay the expense, and might render himself subject to an action for imprisonment without probable cause, during the week or two in which the debtor had been confined.<sup>153</sup> All this discussion had arisen from a play upon the words "imprisonment for debt", while in fact the imprisonment is not now for debt, but for fraud.<sup>154</sup> He (Mr. W.) had not known more than two or three cases of hardship during twenty years; and which could not occur as the law now stands. He was consequently opposed to the Bill.<sup>155</sup>

MR. COM. PUB. WORKS MERRITT said the oath that was taken, was a mere evasion.<sup>156</sup>

MR. AT. GEN. BALDWIN was almost inaudible in the House, on account of the noise made by the strangers in the gallery. He was understood to say, that if we were about to commence the formation (sic) of society, it might be a question whether it would not be better to refuse to sanction any process for the collection of debts by law whatever<sup>157</sup>. In certain communities there were debts called debts of honour, and it was said that these debts were always paid. He had sometimes thought that this principle might possibly be applied with advantage to society in general.<sup>158</sup> There was no doubt that such a course would have this good effect; it would raise the moral feeling of the people. But he did not suppose that any person would be in favor of taking such a step now<sup>159</sup> and argued that no one had the right to pull down a system, without doing anything towards building up another.<sup>160</sup> The point to determine was how they could most effectually secure the collection of debts. He did not think that, considering the ease with which fraud could be practised, that it would be wise to abolish imprisonment without some other means being adopted to protect the creditor against the unjust debtor.--He contended that they were bound to protect the creditor in some way against the unjust debtor. It was all very well to say abolish imprisonment for debt, but the fact was, that it would amount to protecting the fraudulent debtor from the creditor. He was as anxious to abolish imprisonment for debt as any one could be; but they were bound to find some other security before removing it.<sup>161</sup> He must therefore vote against the present bill, as being too general and destructive of every reliable means for the security of creditors.<sup>162</sup>

MR. SOL. GEN. DRUMMOND thought that there was one hardship inflicted by the present law of Upper Canada--the issue of fraud was not tried at once.<sup>163</sup> In Lower Canada a party might relieve himself from prison after transferring all his property to his curator for the benefit of his creditors, and if it was consequently discovered that he had made a fraudulent alienation of any of his property, he could be again arrested and confined for one year. He recommended that a similar course should be pursued in Upper Canada, as a protection to both Debtor and Creditor.<sup>164</sup> Under the law at present in force, an honest debtor could not by any possibility be kept in gaol over 48 hours.<sup>165</sup>

MR. H. BOULTON said, the basis of the measure which had been introduced by the hon. Solicitor General last session for Lower Canada, was based on a measure which he (Mr. B.) had introduced. His Bill was analogous to the civil and the Scotch

Law.<sup>166</sup> The member for London had said that there was no imprisonment for debt-- it was only for fraud. Now the fact was<sup>167</sup> he knew it was frequently done.<sup>168</sup> The power was given to a revengeful creditor to imprison the debtor, who might be perfectly innocent; the question of fraud was not tried till afterwards. Some gentleman had said it was only for 48 hours, and it was but a very small matter. There might be people so obtuse as not to feel on such a subject; but he thought that all the evil was done when the gripe (sic) of the law was placed upon the man; his moral character, his self-respect, were gone.<sup>169</sup> He hoped the majority of the House would be in favour of the bill, but if not he should be willing to accept amendments.<sup>170</sup>

MR. CARTIER was always in favor of the abolition of imprisonment for debt and also of the due protection of the creditor against fraud.<sup>171</sup> The member for London had said there was no difference between the thief and the fraudulent debtor. He would assume that there was no difference; but were they both treated alike.<sup>172</sup> He thought that in Upper Canada at present the fraudulent debtor was treated worse than a common thief<sup>173</sup>. ((He)) was frequently incarcerated much longer than he would have been if he had stolen the same amount of money from the pocket of his creditors.<sup>174</sup> His guilt was as great as the thief certainly, but he should not be treated worse. There might be occurrences which would cause the fraudulent debtor to be imprisoned all his life, while the man who stole the goods merely, would only be imprisoned three years. He was in favor of the bill with amendments to make it more perfect. It was introduced for United Canada but there was no need of it in Lower Canada, the remedy had already been provided there. He hoped it would be provided here, and that the merchant of Lower Canada buying in Upper Canada would not be treated worse than the Upper Canadian buying in the former province.<sup>175</sup>

MR. AT. GEN. LAFONTAINE was almost inaudible. He was understood to say that the law of imprisonment for debt was based on improper grounds if the honorable member for London was correct. He (Mr. Wilson,) said the debtor was imprisoned for fraud not for debt. It was then as a criminal he was imprisoned, but that was inconsistent with their criminal system which gave every man in such cases the right of trial by peers. If it was not so however as stated by that hon. member, but only a means of enforcing the fulfilment of the contract by the debtor to the creditor, then he held it was an improper means. If it was for crime it was an exception to their criminal system, for it gave the power to the creditor who might entertain revengeful feelings towards the debtor who had defrauded him, to punish him severely, a power which was not given to any other person who had been wronged by another. For a debt of from £10 to £20 he might imprison him three months, from £20 to £50 six months, and twelve months for sums about (sic) that. It was said that the creditor could swear that he had nothing, and so be released, but the law gave the power to the creditor who knew that he had nothing to inflict imprisonment for a time at least. The hon. member for London had said that many men who possessed money remained in gaol rather than pay their creditors. Did their remaining in gaol benefit the creditors at all. He liked the bill of the hon. member, indeed it was the only bill of that hon. member that he did like, for one reason at least--it was very short.--(Laughter.) He thought that some amendment might be made in committee to advantage.<sup>176</sup> He ... would vote for the second reading.<sup>177</sup>

MR. SOL. GEN. MACDONALD wished Mr. Boulton to refer the Bill to a special Committee.<sup>178</sup>

MR. H. BOULTON refused to do so.<sup>179</sup>

MR. SOL. GEN. MACDONALD moved, seconded by MR. MORRISON, that the Bill be read this day six months.<sup>180</sup>

MR. INSP. GEN. HINCKS said, unless the Bill was referred to a special Committee he should vote for the amendment. He believed that the Bill required amendments



which should be made before the second reading.<sup>181</sup>

MR. AT. GEN. BALDWIN understood the House to be against the principle of the bill unless something could be devised to remove the evils which it would inevitably produce.<sup>182</sup> The sense of the House was, that imprisonment for debt should be preserved only so far as would reach fraudulent debtors, and in that case they ought to vote against the second reading, so as to enable that protection to the creditor against fraudulent debtor, to be embodied in the Bill.<sup>183</sup> Those who opposed it however were willing to give the member an opportunity of submitting to a Committee his plan to remedy these evils, and therefore would vote for the second reading.<sup>184</sup>

MR. H. BOULTON observed, that as the House seemed to wish the Bill to go to a Committee he would not oppose it.<sup>185</sup>

MR. SHERWOOD thought the proper course would be to allow the Bill to pass the second reading, and after that to refer it to a special Committee, when provisions could be added to protect creditors against fraudulent debtors. He was in favor of the principle of the Bill.<sup>186</sup>

MR. SOL. GEN. MACDONALD said, he would withdraw his amendment, as the hon. member for Norfolk had consented to have the Bill referred to a select Committee after the second reading.<sup>187</sup>

(68)

*The House divided: and the names being called for, they were taken down, as follow:--*

#### YEAS.

*Messieurs Armstrong, Badgley, Attorney General Baldwin, Bell, Boulton of NORFOLK, Bouthillier, Cameron of CORNWALL, Cameron of KENT, Cartier, Cauchon, Cayley, Chabot, Christie, Crysler, Davignon, DeWitt, Dickson, Solicitor General Drummond, Duchesnay, Dumas, Fergusson, Flint, Fortier, Fournier, Fourquin, Gugy, Guillet, Hall, Hincks, Holmes, Hopkins, Jobin, Johnson, Lacoste, Attorney General LaFontaine, LaTerrière, Laurin, Lemieux, Solicitor General Macdonald, Macdonald of KINGSTON, Sir Allan N. MacNab, Marquis, McFarland, Merritt, Méthot, Meyers, Mongenais, Morrison, Notman, Polette, Richards, Ross, Sanborn, Sauvageau, Scott of TWO MOUNTAINS, Seymour, Sherwood of BROCKVILLE, Sherwood of TORONTO, Smith of DURHAM, Smith of WENTWORTH, Thompson, and Viger.--(62.)*

#### NAYS.

*Messieurs Malloch, McLean, Robinson, Smith of FRONTENAC, Stevenson, Taché, and Wilson.--(7.)*

*So it was resolved in the Affirmative.*

*The Bill was accordingly read a second time.*

*The Honorable Mr. Boulton moved, seconded by Mr. Malloch, and the Question being proposed, That the Bill be referred to a Select Committee, composed of Mr. Notman, the Honorable Mr. Attorney General LaFontaine, the Honorable Mr. Cameron of Kent, the Honorable Mr. Merritt, and the mover, to report thereon with all convenient speed; with power to send for persons, papers, and records;*

*The Honorable Mr. Sherwood moved in amendment to the Question, seconded by Mr. Smith of Frontenac, That the words "composed of Mr. Notman, the Honorable Mr. Attorney General LaFontaine, the Honorable Mr. Cameron of Kent, the Honorable Mr. Merritt, and the mover," be left out, and the words "to be named by this House" inserted instead thereof;*

*Some further conversation ensued relative to the appointment of the committee.<sup>188</sup>*

MR. BADGLEY said, that it could not apply to Lower Canada, as a law against imprisonment for debt existed there.<sup>189</sup>

MR. SOL. GEN. DRUMMOND followed, objecting that his bill of last session should be interfered with. He stated that it had given general satisfaction, and had the same object which the present one had in view.<sup>190</sup>



(68)

And the Question being put on the Amendment; the House divided:--And it was resolved in the Affirmative.

Then the main Question, so amended, being put;

Resolved, That the Bill be referred to a Select Committee to be named by this House, to report thereon with all convenient speed; with power to send for persons, papers, and records.

Ordered, That the Honorable Mr. Boulton, Mr. Sherwood of Brockville, the Honorable Mr. Macdonald, the Honorable Mr. Cameron of Cornwall, and the Honorable Mr. Cameron of Kent, do compose the said Committee.

MR. SOL. GEN. DRUMMOND ... ((moved)) that, that it be an instruction to the committee to confine the operation of the bill to Lower (sic) Canada.<sup>191</sup>

(68)

Ordered, That it be an Instruction to the said Committee, to amend the said Bill so as to confine its operations to Upper Canada.

Orders de-  
ferred.

Ordered, That the remaining Orders of the day be postponed until to-morrow.

Then, on motion of Mr. Malloch, seconded by Mr. Laurin,  
The House adjourned.

((QUESTION AND ANSWER RE: INDEMNITY BILL.))<sup>192</sup>

MR. ROBINSON enquired of the Ministry, whether it is the intention of the Government to pay the awards which may be made by the Commissioners appointed under the Act of last Session, to ascertain losses, sustained by the inhabitants of Lower Canada, during the year 1837 and 1838, before the information moved for on that subject, during the present Session, is laid before the House.<sup>193</sup>

MR. AT. GEN. BALDWIN did not know anything to prevent the carrying into execution the act of Parliament.<sup>194</sup>

MR. ROBINSON.--Would the Administration pay these claims before the information was given?<sup>195</sup>

MR. AT. GEN. BALDWIN.--Certainly.<sup>196</sup>

((POSTPONED MOTION RE: WHARFAGE DUES.))<sup>197</sup>

MR. DEWITT seconded by MR. HOLMES,<sup>198</sup> moved for leave to introduce a Bill to regulate the Wharfage Dues of the Harbour of Montreal. He stated steamboats from Longueil (sic) had to land below the harbour limits on account of the high rates of wharfage charged. If his Bill were to pass he believed the Revenue would gain instead of losing.<sup>199</sup>

MR. INSP. GEN. HINCKS wished the hon. member from Beauharnois to postpone his motion for a few days. He said, the harbour of Montreal was neither in the hands of a Company, or of the Government, but commissioners who were appointed by the Government. He had received information from them within a day or two and they had suggested that the fees should be lowered. He would therefore hope the hon. gentleman would not press his motion.<sup>200</sup>

MR. DEWITT had no objection to postpone it provided the Government would take it up.<sup>201</sup>

The motion was then postponed.<sup>202</sup>

FOOTNOTES: 13 JUNE 1850.

1. The following papers reported the debate on this matter in partially identical accounts: PILOT, 18 June 1850, HAMILTON SPECTATOR, 19 June 1850, ST. CATHARINES JOURNAL, 20 June 1850, BATHURST COURIER, 21 June 1850, and PACKET, 22 June 1850. The debate was also reported by : MONTREAL GAZETTE, 18 June 1850; NORTH AMERICAN, 18 June 1850; and EXAMINER, 19 June 1850.
2. HAMILTON SPECTATOR, 19 June 1850.
3. EXAMINER, 19 June 1850.
4. HAMILTON SPECTATOR, 19 June 1850.
5. EXAMINER, 19 June 1850.
6. IBID.
7. NORTH AMERICAN, 18 June 1850.
8. MONTREAL GAZETTE, 18 June 1850.
9. HAMILTON SPECTATOR, 19 June 1850.
10. MONTREAL GAZETTE, 18 June 1850.
11. NORTH AMERICAN, 18 June 1850.
12. HAMILTON SPECTATOR, 19 June 1850.
13. NORTH AMERICAN, 18 June 1850.
14. HAMILTON SPECTATOR, 19 June 1850.
15. IBID.
16. EXAMINER, 19 June 1850.
17. HAMILTON SPECTATOR, 19 June 1850.
18. NORTH AMERICAN, 18 June 1850.
19. HAMILTON SPECTATOR, 19 June 1850.
20. NORTH AMERICAN, 18 June 1850.
21. HAMILTON SPECTATOR, 19 June 1850.
22. MONTREAL GAZETTE, 18 June 1850.
23. HAMILTON SPECTATOR, 19 June 1850.
24. NORTH AMERICAN, 18 June 1850.
25. IBID.
26. IBID.
27. HAMILTON SPECTATOR, 19 June 1850.
28. NORTH AMERICAN, 18 June 1850.
29. HAMILTON SPECTATOR, 19 June 1850.
30. IBID.
31. IBID.
32. NORTH AMERICAN, 18 June 1850.
33. HAMILTON SPECTATOR, 19 June 1850.
34. NORTH AMERICAN, 18 June 1850.
35. HAMILTON SPECTATOR, 19 June 1850.
36. EXAMINER, 19 June 1850.
37. HAMILTON SPECTATOR, 19 June 1850.
38. EXAMINER, 19 June 1850.
39. HAMILTON SPECTATOR, 19 June 1850.
40. MONTREAL GAZETTE, 18 June 1850.
41. NORTH AMERICAN, 18 June 1850.
42. HAMILTON SPECTATOR, 19 June 1850.
43. MONTREAL GAZETTE, 18 June 1850.
44. HAMILTON SPECTATOR, 19 June 1850.
45. IBID.
46. MONTREAL GAZETTE, 18 June 1850.
47. EXAMINER, 19 June 1850.
48. NORTH AMERICAN, 18 June 1850.
49. MONTREAL GAZETTE, 18 June 1850.
50. The following papers reported the debate on this matter in partially identical accounts: BRITISH COLONIST, 18 June 1850, PILOT, 18 June 1850, HAMILTON SPECTATOR, 19 June 1850, ST. CATHARINES JOURNAL, 20 June 1850, KENT ADVERTISER,



- 20 June 1850, and PACKET, 22 June 1850. The debate was also reported by MONTREAL GAZETTE, 18 June 1850.
51. HAMILTON SPECTATOR, 19 June 1850.
  52. MONTREAL GAZETTE, 18 June 1850.
  53. HAMILTON SPECTATOR, 19 June 1850.
  54. IBID.
  55. MONTREAL GAZETTE, 18 June 1850.
  56. IBID.
  57. HAMILTON SPECTATOR, 19 June 1850.
  58. IBID.
  59. IBID.
  60. IBID.
  61. The following papers reported the debate on this matter in identical accounts: BRITISH COLONIST, 18 June 1850, KENT ADVERTISER, 20 June 1850, and BATHURST COURIER, 21 June 1850. The debate was also reported by: NORTH AMERICAN, 18 June 1850; and EXAMINER, 19 June 1850.
  62. NORTH AMERICAN, 18 June 1850.
  63. EXAMINER, 19 June 1850.
  64. IBID.
  65. NORTH AMERICAN, 18 June 1850.
  66. KENT ADVERTISER, 20 June 1850.
  67. The following papers reported the debate on this matter in identical accounts: KENT ADVERTISER, 20 June 1850, and BATHURST COURIER, 21 June 1850. The debate was also reported by: MONTREAL GAZETTE, 18 June 1850; and NORTH AMERICAN, 18 June 1850.
  68. NORTH AMERICAN, 18 June 1850.
  69. KENT ADVERTISER, 20 June 1850.
  70. NORTH AMERICAN, 18 June 1850.
  71. KENT ADVERTISER, 20 June 1850.
  72. MONTREAL GAZETTE, 18 June 1850.
  73. IBID.
  74. KENT ADVERTISER, 20 June 1850.
  75. NORTH AMERICAN, 18 June 1850.
  76. KENT ADVERTISER, 20 June 1850.
  77. MONTREAL GAZETTE, 18 June 1850.
  78. KENT ADVERTISER, 20 June 1850.
  79. MONTREAL GAZETTE, 18 June 1850.
  80. The following papers reported the debate on this matter in identical accounts: BRITISH COLONIST, 18 June 1850, NORTH AMERICAN, 18 June 1850; HAMILTON SPECTATOR, 19 June 1850, ST. CATHARINES JOURNAL, 20 June 1850, KENT ADVERTISER, 20 June 1850, and BATHURST COURIER, 21 June 1850. The debate was also reported by MONTREAL GAZETTE, 18 June 1850.
  81. NORTH AMERICAN, 18 June 1850.
  82. KENT ADVERTISER, 20 June 1850.
  83. NORTH AMERICAN, 18 June 1850.
  84. KENT ADVERTISER, 20 June 1850.
  85. IBID.
  86. NORTH AMERICAN, 18 June 1850.
  87. KENT ADVERTISER, 20 June 1850.
  88. NORTH AMERICAN, 18 June 1850.
  89. KENT ADVERTISER, 20 June 1850.
  90. NORTH AMERICAN, 18 June 1850.
  91. KENT ADVERTISER, 20 June 1850.
  92. NORTH AMERICAN, 18 June 1850.
  93. KENT ADVERTISER, 20 June 1850.
  94. NORTH AMERICAN, 18 June 1850.
  95. KENT ADVERTISER, 20 June 1850.

96. NORTH AMERICAN, 18 June 1850.
97. The following papers reported the exchange on this matter in identical accounts: HAMILTON SPECTATOR, 19 June 1850, and BATHURST COURIER, 21 June 1850.
98. HAMILTON SPECTATOR, 19 June 1850.
99. IBID.
100. The following papers reported the debate on this matter in partially identical accounts: BRITISH COLONIST, 18 June 1850, NORTH AMERICAN, 18 June 1850, BRITISH WHIG, 19 June 1850; HAMILTON SPECTATOR, 19 June 1850, PILOT, 18 June 1850, BATHURST COURIER, 21 June 1850, and PACKET, 22 June 1850. The debate was also reported by: MONTREAL GAZETTE, 18 June 1850; and EXAMINER, 19 June 1850. BRITISH WHIG, 18 June 1850; MONTREAL TRANSCRIPT, 18 June 1850; PILOT, 18, 20 June 1850, noted the debate. PILOT, 21 June 1850, noted that: "Mr. Lafontaine, ... made one of the most clearly reasoned and logical speeches.... It is much to be regretted that Mr. Lafontaine speaks so quickly, and in so low a tone, that neither the public, who eagerly listen to him, nor the reporters, can distinctly understand him."
101. HAMILTON SPECTATOR, 19 June 1850.
102. NORTH AMERICAN, 18 June 1850.
103. HAMILTON SPECTATOR, 19 June 1850.
104. NORTH AMERICAN, 18 June 1850.
105. HAMILTON SPECTATOR, 19 June 1850.
106. NORTH AMERICAN, 18 June 1850.
107. HAMILTON SPECTATOR, 19 June 1850.
108. MONTREAL GAZETTE, 18 June 1850.
109. HAMILTON SPECTATOR, 19 June 1850.
110. MONTREAL GAZETTE, 18 June 1850.
111. HAMILTON SPECTATOR, 19 June 1850.
112. NORTH AMERICAN, 18 June 1850.
113. HAMILTON SPECTATOR, 19 June 1850.
114. MONTREAL GAZETTE, 18 June 1850.
115. HAMILTON SPECTATOR, 19 June 1850.
116. PILOT, 18 June 1850.
117. HAMILTON SPECTATOR, 19 June 1850.
118. IBID.
119. MONTREAL GAZETTE, 18 June 1850.
120. HAMILTON SPECTATOR, 19 June 1850.
121. NORTH AMERICAN, 18 June 1850.
122. MONTREAL GAZETTE, 18 June 1850.
123. NORTH AMERICAN, 18 June 1850.
124. MONTREAL GAZETTE, 18 June 1850.
125. NORTH AMERICAN, 18 June 1850.
126. MONTREAL GAZETTE, 18 June 1850.
127. NORTH AMERICAN, 18 June 1850.
128. MONTREAL GAZETTE, 18 June 1850.
129. NORTH AMERICAN, 18 June 1850.
130. HAMILTON SPECTATOR, 19 June 1850.
131. IBID.
132. BRITISH COLONIST, 18 June 1850.
133. NORTH AMERICAN, 18 June 1850.
134. HAMILTON SPECTATOR, 19 June 1850.
135. NORTH AMERICAN, 18 June 1850.
136. HAMILTON SPECTATOR, 19 June 1850.
137. NORTH AMERICAN, 18 June 1850.
138. HAMILTON SPECTATOR, 19 June 1850.
139. NORTH AMERICAN, 18 June 1850.
140. HAMILTON SPECTATOR, 19 June 1850.
141. MONTREAL GAZETTE, 18 June 1850.

142. HAMILTON SPECTATOR, 19 June 1850.
143. MONTREAL GAZETTE, 18 June 1850.
144. HAMILTON SPECTATOR, 19 June 1850.
145. MONTREAL GAZETTE, 18 June 1850.
146. HAMILTON SPECTATOR, 19 June 1850.
147. NORTH AMERICAN, 18 June 1850.
148. HAMILTON SPECTATOR, 19 June 1850.
149. EXAMINER, 19 June 1850.
150. NORTH AMERICAN, 18 June 1850.
151. HAMILTON SPECTATOR, 19 June 1850.
152. NORTH AMERICAN, 18 June 1850.
153. HAMILTON SPECTATOR, 19 June 1850.
154. EXAMINER, 19 June 1850.
155. HAMILTON SPECTATOR, 19 June 1850.
156. MONTREAL GAZETTE, 18 June 1850.
157. HAMILTON SPECTATOR, 19 June 1850.
158. EXAMINER, 19 June 1850.
159. HAMILTON SPECTATOR, 19 June 1850.
160. MONTREAL GAZETTE, 18 June 1850.
161. HAMILTON SPECTATOR, 19 June 1850.
162. NORTH AMERICAN, 18 June 1850.
163. HAMILTON SPECTATOR, 19 June 1850.
164. NORTH AMERICAN, 18 June 1850.
165. MONTREAL GAZETTE, 18 June 1850.
166. NORTH AMERICAN, 18 June 1850.
167. HAMILTON SPECTATOR, 19 June 1850.
168. EXAMINER, 19 June 1850.
169. HAMILTON SPECTATOR, 19 June 1850.
170. EXAMINER, 19 June 1850.
171. HAMILTON SPECTATOR, 19 June 1850.
172. EXAMINER, 19 June 1850.
173. HAMILTON SPECTATOR, 19 June 1850.
174. EXAMINER, 19 June 1850.
175. HAMILTON SPECTATOR, 19 June 1850.
176. NORTH AMERICAN, 18 June 1850.
177. EXAMINER, 19 June 1850.
178. HAMILTON SPECTATOR, 19 June 1850.
179. IBID.
180. NORTH AMERICAN, 18 June 1850.
181. IBID.
182. HAMILTON SPECTATOR, 19 June 1850.
183. NORTH AMERICAN, 18 June 1850.
184. HAMILTON SPECTATOR, 19 June 1850.
185. NORTH AMERICAN, 18 June 1850.
186. IBID.
187. IBID.
188. MONTREAL GAZETTE, 18 June 1850.
189. IBID.
190. IBID.
191. IBID.
192. The following papers reported this question in identical accounts: PILOT, 18 June 1850, MONTREAL TRANSCRIPT, 18 June 1850, HAMILTON SPECTATOR, 19 June 1850, KENT ADVERTISER, 20 June 1850, BATHURST COURIER, 21 June 1850, and PACKET, 22 June 1850. The question was also reported by: MORNING CHRONICLE, 15 June 1850; NORTH AMERICAN, 18 June 1850; MONTREAL GAZETTE, 18 June 1850; EXAMINER, 19 June 1850; and L'AVENIR, 15 June 1850.
193. NORTH AMERICAN, 18 June 1850.
194. HAMILTON SPECTATOR, 19 June 1850.



195. IBID.
196. IBID.
197. This postponed motion was reported by: BRITISH WHIG, 18 June 1850; NORTH AMERICAN, 18 June 1850; and EXAMINER, 19 June 1850.
198. EXAMINER, 19 June 1850.
199. NORTH AMERICAN, 18 June 1850.
200. IBID.
201. IBID.
202. IBID.

FRIDAY, 14 JUNE 1850.

(68)

Petitions  
brought up.

THE following Petitions were severally brought up, and laid on the table:--

By the Honorable Mr. Attorney General LaFontaine,--The Petition of J. Ostell, President, and others, officers of and on behalf of the Natural History Society of Montreal.

By Mr. Armstrong,--The Petition of T.R. Tranchemontagne, President, and others, administrators of the Berthier Academy.

By Mr. Taché,--The Petition of Alfred Pinsoneault, President, and William Evans, Secretary, of and on behalf of the Lower Canada Agricultural Society.

By Mr. Richards,--The Petition of H.W. Blanchard, Esquire, and others, of Upper Canada.

By Mr. Ross,--The Petition of the Quebec Board of Trade.

By the Honorable Mr. Price,--The Petition of John Johnston and others, of the Free Presbyterian Church of Canada, in Brock, Reach, and Whitby.

Petitions read.

Pursuant to the Order of the day, the following Petitions were read:--

Of the Reverend James Hutton and others, the Minister, Church Wardens and members of the Church of England at Ruselltown; of the Reverend Richard Lewis, Minister, and others, Wardens and members of the Church of England at Portneuf; and of the Reverend J. Torrance and others, the Minister and members of the Church of England at Pointe Levi, Lower Canada; praying that the privilege of conferring degrees in the Arts and in Divinity may be extended to Bishop's College, and the annual grant to the said College so increased as to place it upon an equal footing with similar institutions throughout the Province.

Of Augustin Vallières, President, and others, the Vice-President, officers and members of the Library Association of the Teachers of the District of Quebec; praying for aid in support of the said institution.

Of Augustin Vallières, President, and others, on behalf of the Teachers of the City of Quebec; praying for certain amendments to the Education Law of Lower Canada.

Of Benjamin Thurtell, Esquire, Warden of the County of Waterloo; praying that any application for separating any part of the said County be not granted, excepting the Owen's Sound Tract.

Of the Mayor and Councillors of the City of Quebec; praying that the law imposing a fine upon Pedlars selling in the public markets of the said City, be repealed.

Of the Honorable L. Massue and others, Officers and members of La Société de St. Jean Baptiste of Quebec; praying for certain amendments to the Act incorporating the said Society.

Of the Reverend H.A. Dupuis and others, of Halifax and other Townships, in the County of Megantic; praying for aid to open certain Roads in the said County.

Of J. Johnston, Esquire, and others, of Halifax and other Townships in the County of Megantic; praying for the repeal of the Municipal Council Act, and for certain alterations in the subdivision of the said County.

(69)

Of Robert Lachlan, of Colchester, County of Essex, Esquire; praying that measures be adopted to prevent Negro Colonization in the Western District.

Of Daniel Wiers and others, freeholders, and others, of Upper Canada; praying the removal of all disabilities from unlicensed Practitioners in Medicine, or that a diploma from their own sect be considered sufficient.

Of Hope Macniven and others, of the Town of St. Catharines; praying an Act of Incorporation under the name of the Niagara District Bank.

Of John G. Weir, Townreeve, in behalf of the Municipality of the Township of Raleigh; praying that the application for an Act to incorporate the Elgin Association be not granted.

Of Michael Rape and others, Trustees of the Roman Catholic separate School of School Section No. 10, in the Township of Kitley; praying that provision be made for the said School for the year 1850, and that due regard be had to their rights.

Of M.R. Jukes and others, of the Townships of Dunn and South Cayuga; praying that the Church of England in Canada may be relieved from certain disadvantages which result from her connection with the Parent State, and be left to manage her own temporal and spiritual affairs.

Of G. Jordan, Esquire, and others, of Port Robinson and its vicinity; praying for the passing of an Act granting to D. McFarland, Esquire, a certain Road allowance, and confirming a new line given by him in lieu thereof.

Of the Officers, Clerks and Servants of this House; praying indemnification for losses sustained by them at the burning of the Parliament House in Montreal, on the 25th April, 1849.

Petition of S. Combs and others, referred.

Ordered, That the Petition of Seth Combs and others, Innkeepers, of the united Counties of Stormont, Dundas, and Glengary, be referred to the Standing Committee on Standing Orders.

Assessment Returns.

The Honorable Mr. Hincks presented, pursuant to the directions of an Act of the Provincial Parliament of Upper Canada,--Assessment Returns for Upper Canada, for the year

1849.

Appendix (P.)

For the said Assessment Returns, see Appendix (P.)

Message from the Council.

A Message from the Legislative Council, by John Fennings Taylor, Esquire, one of the Masters in Chancery:--  
Mr. Speaker,

Montreal Registry Bill.

The Legislative Council have passed the Bill, intituled, "An Act to extend the period limited for certain purposes in the Montreal Registry Act," with several Amendments; to which they desire the concurrence of this House.

And then he withdrew.

Representation Bill.

Ordered, That the Honorable Mr. Attorney General LaFontaine have leave to bring in a Bill to enlarge the Representation of the People of this Province in Parliament.

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time, on Friday, the twenty-eighth instant.

On motion of the Honorable Mr. Attorney General LaFontaine, seconded by Mr. Armstrong,

Seigniorial Tenure.

Resolved, That this House do now resolve itself into a Committee, to consider the expediency of abolishing the Seigniorial Tenure in Lower Canada.

The House accordingly resolved itself into the said Committee.

Mr. Johnson took the Chair of the Committee;<sup>1</sup>

MR. AT. GEN. LAFONTAINE ... proceeded to propose the resolutions of which he had given notice<sup>2</sup>.



1st--"As the opinion of this Committee, that the Seigniorial Tenure in Lower Canada, is a matter of public concern, which it is the duty of the provincial Legislature to take into consideration, more especially now that the subject has attracted the public's attention in a high degree; and that it is therefore important to effect ((at)) as early ((a)) period as possible, the conversion of the said Tenure to a free one, taking care, that all the interests concerned are protected and equitably adjusted."

2nd--"As the opinion of this Committee, that such commutation of Tenure can only be effected by securing a fair indemnity to all parties whose just rights it will affect."

3rd--"As the opinion of this Committee, that the foregoing resolutions be referred to a select committee of Members, to report the different plans hitherto suggested for affecting the said commutation, together with their own opinions; with power to send for persons and papers and to report from time to time."<sup>3</sup>

He spoke in French, and in a voice which, at the commencement, was almost inaudible in the gallery.<sup>4</sup> Il accompagna ses résolutions de remarques explicatives. Bien qu'il soit actuellement opposé à la tenure seigneuriale, il ne prétend pas dire qu'elle ne soit pas convenable pour l'établissement d'un nouveau pays. Au contraire, il pense qu'elle est très propre pour cela. Mais on s'est aperçu dans les dernières périodes de l'histoire du pays, qu'elle nuit aux classes qui ont plus que les autres besoin d'encouragement et du succès desquelles dépend le succès du pays; elle nuit au progrès de l'agriculture, du commerce, &c. En conséquence on a fait diverses tentatives pour établir un système de commutation, mais ces tentatives ont été sans fruit, si ce n'est qu'elles ont fait tort à quelques propriétaires de seigneuries, tandis que l'agitation continuelle contre la tenure seigneuriale a eu l'effet de diminuer de plus en plus les propriétés seigneuriales. De fait, dans le moment actuel, la valeur des seigneuries est devenue presque nulle. Pour rendre justice aux deux parties intéressées, il est temps de détruire le mal dont on se plaint si fort et je suis persuadé que ce que le seigneur doit redouter le plus, c'est que le remède à cet état de choses soit différé trop longtemps; car le délai donne de nouvelles occasions pour la propagation de principes qui tendent à renverser la société; et il vient un temps où le peuple dit, "il est trop tard." Dans ce cas, comme les seigneurs forment le plus petit nombre, ils pourraient s'attendre à tout perdre sans compensation aucune. On ne peut ingorer que sur cette question, comme sur les autres, on peut acquérir un certain degré de popularité en s'attachant à l'opinion publique; et il ne faut pas ignorer non plus, qu'il y a actuellement des gens qui pensent que la tenure seigneuriale doit être abolie purement et simplement, sans indemniser les seigneurs aucunement. Mais plus cette opinion est faite, plus la chambre doit se prononcer avec fermeté pour montrer aux parties intéressées qu'il ne peut y avoir de commutation sans indemnité au seigneur pour toute la valeur de ses droits, prenant soin en même temps de ne pas imposer un fardeau trop lourd aux censitaires. Cela ne peut être effectué sans que la commutation soit obligatoire; cependant il faut que la chose soit dirigée de manière à concilier les intérêts des deux parties.

L'hon. M. LaFontaine termina en disant qu'il regrette beaucoup l'agitation qu'on a faite à ce propos et qu'il la regarde comme injurieuse en elle-même, et comme propre à retarder l'objet qu'elle a pour but en alarmant les seigneurs, et en leur faisant même craindre d'aborder le sujet.<sup>5</sup>

DR. LATERRIERE. Il n'est pas douteux que cette question n'ait été agitée depuis un grand nombre d'années par des personnes qui désiraient faire de leur agitation un capital politique<sup>6</sup> and for other reasons by others.<sup>7</sup> Cette agitation a grandi (sic) encore avec et sous l'acte d'Union, au point de compromettre enfin sérieusement la valeur de la propriété seigneuriale. Jusqu'à présent néanmoins tous les plans proposés pour opérer un changement de tenure, ont avorté complète-

ment, sauf celui d'une commutation volontaire.<sup>8</sup>

Ici, l'ORATEUR, M. MORIN, fait une revue des différentes enquêtes qui ont été faites à diverses époques sur la nature de la tenure seigneuriale et soutient que, jusqu'à la commission de 1843, toutes ces recherches se sont terminées par l'expression d'une opinion favorable au système seigneurial (sic).<sup>9</sup>

Depuis quelque temps néanmoins, reprend M. LATERRIERE, nous avons eu le système des conventions pour différents objets, par exemple sur cette question nous avons la Convention-Davignon (rires) dont le but et les résultats, s'ils ne sont pas déjà connus, le seront bientôt parce qu'on tend évidemment à bouleverser toute la propriété dans notre pays.

Sans compter les différentes enquêtes que j'ai mentionnées, nous avons eu depuis, sur le même sujet, la législation du Conseil Spécial, commencement à jamais funeste et déplorable de tout un système de législation qui nous a conduits à l'inique et détestable Union des deux provinces, au changement dans le gouvernement, et aux dépenses énormes et sans cesse renaissantes sur les canaux publics et probablement aussi bientôt à de semblables dépenses pour la construction d'un chemin de fer depuis la mer jusqu'au Lac Supérieur.

Enfin aujourd'hui, c'est l'hon. procureur-général, M. LaFontaine, qui met la main à la cognée pour abattre et détruire la base même de tout l'édifice de la nationalité franco-canadienne, la tenure seigneuriale; et certes, je ne crains pas de le dire, son projet serait accompagné et suivi de l'exploitation général du pays tout entier par une horde sans nombre d'hommes de loi et de justice, d'impudents spéculateurs (jobbers). Je sais bien que pour le moment il propose de ne rien arracher sans en payer l'équivalent; aussi cette Chambre apprendra-t-elle bientôt quelle sera l'indemnité qui devra être payée pour racheter les esclaves, comme on les appelle, du Bas-Canada, tout comme l'Angleterre a payé une indemnité pour abolir l'esclavage des noirs dans les Indes Occidentales, tandis qu'elle maintenait chez elle un véritable esclavage des blancs.

Le rapporteur, à cause du bruit, ne peut pas bien saisir ici ce qui dit M. Laterrière; mais il croit comprendre néanmoins que ce monsieur est en faveur de la proposition de régler les rentes à un taux fixe et uniforme; mais il se plaint de l'agitation créée par les conventionnels et qualifie cette agitation de dictature du peuple; en d'autres termes, c'est le peuple intéressé qui se fait juge dans sa propre cause.<sup>10</sup> The ball of agitation was now rolling, and, perhaps, it might be better to effect a commutation. He would prefer that the Government should take the initiative in digesting some scheme. He thought that it would be better done in the cabinet than in the confusion of a committee. He would like to see the matter settled in one way or other. A great deal had been said about the abuses of the seigniorial tenure, but those persons who had been so loud in decrying it, had never taken the trouble of comparing it with the free and common soccage of the townships.<sup>11</sup> M. Laterrière fait ici une comparaison entre la tenure seigneuriale et celle en franc et commun soccage et en tire la conclusion que les abus sont beaucoup plus criants sous la seconde que sous la première, puisque les seigneurs ne peuvent devenir ni ne deviennent jamais aussi riches que ces propriétaires absolus du sol, dans les terres en soccage, qui tous les jours vous hâtissent des Tom-ville, des Jac-ville, des Henry-ville ou les villes Viger et Berthelet, au moyen des lots ou emplacements de village ou ville.<sup>12</sup> Complaints had been made against the tenure, and many false reports had been got up respecting it, for the purpose of placing people at the mercy of speculators. With the tenure once done away with, the cry would then be raised for the abolition of the dimes.<sup>13</sup> Je crois que ce n'est pas tant de la tenure seigneuriale elle-même dont le peuple se plaint, mais bien plutôt des empiétements faits par les seigneurs sur les droits du seigneur Suzerain, la couronne est en contre-vention aux dispositions de la coutume de Paris aussi bien que sur les droits des



censitaires.<sup>14</sup> It was the people of the townships who desired to see the tenure abolished. It was more favorable to the poor than free and common soccage. In the townships the minimum price of a farm was \$12 per acre, while in the seigniories the same would only cost about 4s. With the abolition of the tenure, our slavery will be complete, and all our guarantees will be gone. He would not like to see it here as in England--the soil all in the hands of a few lords or rich capitalists.<sup>15</sup> En terminant, je me permettrai de demander, en quel pays du monde la propriété foncière est-elle plus également et plus équitablement divisée qu'au Canada, et où jouit-on d'une somme de liberté réelle plus grande qu'en ce pays? Je n'en vois pas. Nos lois, nos coutumes, notre système de posséder des propriétés ne sont donc pas aussi détestables qu'on veut bien nous le faire croire.

Du reste je désire réformer tous les abus, s'il est possible, spécialement ceux qui tous les jours me frappent la vue dans cette assemblée même<sup>16</sup>. We paid more for this house than all that was paid to the seigniors<sup>17</sup> et j'espère que s'il est opéré quelque changement dans la tenure seigneuriale, ce ne sera qu'avec une indemnité plaine et entière en faveur de ceux que l'on privera de leurs revenus, de manière à sauvegarder le plus saint de tous les droits, le droit de propriété.<sup>18</sup>

DR. DAVIGNON complained that his motives had not been well understood, or had been misinterpreted by the hon. Attorney General, who had alluded to him indirectly, and by the hon. member for Saguenay, who had mentioned him by name.<sup>19</sup> Si je me lève ce soir, pour demander de plus amples instructions du comité nommé par les résolutions de l'honorable procureur-général du Bas-Canada, c'est que je sens que j'ai un devoir à remplir dans cette Chambre. Ayant été chargé, durant la dernière session, M. le président, des pétitions de 45,000 électeurs<sup>20</sup> of the three counties of Rouville, Chambly and Huntingdon<sup>21</sup> qui demandaient la réforme immédiate des abus commis dans certaines seigneuries du Bas-Canada, je me considèrais indigne de leur confiance, si je n'employais pas mes humbles talents à obtenir que cette honorable Chambre fasse attention à leur plainte. Une autre raison, M. le président, qui me porte à demander cette justice, c'est le grand nombre de pétitions présentées durant la dernière session par plusieurs honorables membres du Bas-Canada. Ces pétitions ont été détruites par le feu, mais j'en ai pris un memorandum, afin de montrer le nombre de ces pétitions, et aussi le nombre des signatures qui y sont attachées, et cela montrera que tout le Bas-Canada demande un redressement, et particulièrement le district de Montréal. Ces pétitions donnent le nombre de 32,000 signatures, et je pense que c'est le plus grand nombre d'électeurs qui aient jamais adressé des pétitions à la Chambre sur un même sujet, et je dois dire aussi que tous les électeurs attendent de cette Chambre toute l'attention qu'ils méritent, et si nous sommes leurs véritables représentants, nous devons voir si nous pouvons leur rendre justice. Je dirai à la Chambre que, durant la vacance, des conventions ont eu lieu dans le district de Montréal et de Québec.<sup>22</sup> Hon. gentlemen had spoken of the convention Davignon--he would rather call it the convention of the whole country, for the whole country was of one mind.... The conventions might be laughed at; but he called them the expressions of public opinion, and was not at all ashamed of the position he held in them.<sup>23</sup> La convention de Montréal se composait de 150 délégués, représentant toutes les paroisses du district<sup>24</sup> and he could show hon. gentlemen the names if they desired. They came from different Parishes and were composed of the most respectable and intelligent inhabitants.<sup>25</sup> Je dirai la résolution qui y a été adoptée. (Il lit la résolution.)<sup>26</sup> What did they propose to do? First, to put an immediate end to existing abuses, with a view to a subsequent commutation.<sup>27</sup> Je dis, M. le président, qu'une commutation immédiate est impossible. Les mauvaises récoltes dans le Bas-Canada rendent impossible la formation de tout capital, et une commutation dans le moment actuel ne serait avantageuse que pour le riche, et c'est le pauvre que nous devons soulager, parce



que c'est le pauvre qui souffre. Ces nouvelles rentes sont établies sur les nouvelles terres, et ces nouvelles terres appartiennent aux habitants les plus pauvres<sup>28</sup> not ... the established farmers on old lands; but the poor men and young men, who were just going forward to clear the forest<sup>29</sup>; mais si la commutation est impossible en ce moment, devons-nous nous arrêter là? N'est-ce pas notre devoir de mettre fin à ces abus, et pour me servir des termes de mon honorable ami pour le Saguenay, dans sa lettre aux commissaires de 1844,--aux exactions de certains seigneurs? Je ne pense pas que la Chambre refuse cela, et si c'est malheureusement le cas, M. le président, je dirai que le peuple du Bas-Canada prendra ce ticket à la prochaine éléction générale, et que ce ticket aura un effet aussi puissant que celui de la dernière élection générale. Plusieurs de mes honorables amis sont peut-être étonnés de mes efforts sur ce sujet, surtout les membres du Haut-Canada, et les membres pour le district de Québec, parce que dans cette partie de la province il n'y a pas de seigneuries, et que dans le district de Québec on ne se plaint pas autant des abus que dans celui de Montréal. Et c'est pour cette raison que je vais entrer dans quelques détails sur les exactions exercées dans certaines seigneuries, et, qui, pour me servir encore des paroles de mon ami de Saguenay, sont sanctionnées par le silence de nos cours de justice, et par l'indifférence de nos autorités qui ont souffert que nos anciennes lois et ordonnances fussent mises de côté.<sup>30</sup> He did not think that they ought to stop with the appointment of a committee and set at nought all the petitions that had been received. He hoped they would not. If they declared themselves the representatives of the people, they must listen to the voice of their petition.<sup>31</sup> Avant de procéder; pour montrer à cette Chambre les abus, je vais exposer ce que je considère être les véritables rentes dues aux seigneurs. Comme de raison, M. le président, je dois avoir recours au jugement de personnes plus capables que moi d'expliquer l'intention de la loi.<sup>32</sup> He would in the first place quote not from a Davignon Convention, but from the report of a committee of the House of Assembly in 1821. That committee was presided over by Andrew Stuart<sup>33</sup>, homme de talent et réputé honnête. Ce comité dit que, selon les lois de la province, les seigneurs n'ont droit de charger, en aucune circonstance, plus de deux sous par arpent en superficie. Un autre document auquel je prie les honorables membres de référer, est le rapport de la commission nommée en 1841. Cette commission était composée de MM. Buchanan, Taschereau et Smith; deux de ces messieurs sont maintenant juges, et l'autre est connu comme l'un de nos premiers jurisconsultes. J'appellerai aussi l'attention de cette Chambre sur<sup>34</sup> a report of a committee of the House of Assembly in 1794, presided over by the late Chief Justice Sewell when he was Solicitor General,<sup>35</sup> qui a été consulté par le gouverneur sur le mérite des pétitions à lui adressées par des personnes qui se plaignaient de ces abus<sup>36</sup> to the effect that the Seigniors had no right to levy greater rentes than the rate fixed before the conquest. He read the opinions of Messrs Bedard and O'Sullivan to the effect that the rate should be 2 sous.<sup>37</sup> Il me semble qu'avec ces opinions, il n'y a plus de doute que ce ne soit la loi, et que les cours de justice, bien que très compétentes à décider le mérite de ces plaintes, ont mis de côté l'intention de la loi, et telle était l'opinion du troisième commissaire que j'ai nommé plus haut; qu'on lise ces opinions. Mais quelques-uns disent que les seigneurs n'étaient pas tenus de suivre ces lois,--que ces lois n'ont plus de force dans la province depuis la conquête, mais je rappellerai au comité les instructions aux gouverneurs depuis la conquête, et je lirai de plus quelques extraits du rapport des commissaires<sup>38</sup> and ... the Quebec act, ... to the effect that all the ancient rights and privileges of the ancient inhabitants should be preserved. He would not take up the time of the House in reading more evidence, but he would state that the report of the committee of 1841 was full.<sup>39</sup> Je pense, M. le président, qu'avec toute humilité, ces 32,000 pétitionnaires ont certainement raison de dire que ces abus sont contre les lois

de la province. Je dois maintenant prouver quels sont ces abus, et cela M. le président, est une chose bien facile. Qu'on le demande aux honorables membres pour Beauharnais, Vaudreuil, St. Hyacinthe, Dorchester et moi-même, et nous prouverons aisément devant ce comité spécial, que dans plusieurs seigneuries on paie depuis deux jusqu'à 20 sous par arpent. Nous informerons la Chambre de plusieurs impôts de la part des seigneurs.<sup>40</sup> He read from a judgment of Mr. Justice Pyke, to the effect that the legislature was the only place where the censitaires could obtain a redress of their grievances.<sup>41</sup> Je demanderai maintenant aux honorables membres de cette Chambre, principalement aux membres qui représentent le district de Montréal, si nous pouvons refuser la réforme immédiate de cette injustice? Pouvons-nous, en justice pour nos constituants qui ont les yeux sur nous, refuser d'adopter la résolution que j'ai l'honneur de proposée par l'honorable procureur-général. Au contraire, elle aiderait à les rendre toutes uniformes, et elle établirait aussi la base sur laquelle cette commutation pourra avoir lieu.<sup>42</sup> He was surprised at hearing it argued by the hon. Attorney General that the agitation had lowered the value of the Seigniories. He contended that it was the abuses of the Seigniors which had been the real cause of the depreciation. They by imposing higher rentes, which accumulated, and thereby suing caused the lands to fall into their hands and this was the cause of the depreciation.<sup>43</sup> On dit, M. le président, que cette loi serait une grande injustice pour les seigneurs qui ont acheté des seigneuries dans la persuasion qu'elles donneraient ces revenus; mais, M. le président, comment ces seigneurs peuvent-ils dire qu'ils en étaient si sûrs quand le pays a protesté chaque année, depuis 1805, contre ces augmentations?--Oui, M. le président, depuis 1805, il n'y a pas eu un seul Parlement durant lequel la Chambre n'a pas protesté par des résolutions, des lois etc., qui ont toujours été réjetées par la Chambre Haute, contres ces intentions des seigneurs. Je tiens dans ma main, M. le président, une liste des années où ces lois et résolutions ont été passées,--et, M. le président, supposez-vous que ces abus existeraient, si personne n'en profitait; et d'après ce principe, nous ne pourrions corriger ces abus parce que ça nuirait à ceux qui en profitent! Je ne fais qu'une distinction, M. le président, en faveur des seigneuries dans lesquelles il n'y a qu'une taxe similaire d'établie. Une telle loi, M. le président, ne serait pas une chose nouvelle dans le pays; voyons ce qui s'est passé en 1813. Dans ce temps, il y avait un gouvernement despotique composé d'un gouverneur et d'un comité; et maintenant que le peuple a des représentants et un gouvernement responsable, nous devons nous attendre que les représentants du peuple prêteront l'oreille à sa voix. Le principe de la loi déclaratoire a été admis durant la dernière session par les honorables procureur-général, et le solliciteur-général. Je n'ai pas intention d'embrasser par mes résolutions les opérations du comité, mais je pense qu'aucune commutation ne peut avoir lieu sans fixer d'abord le taux des rentes. Abolissons les abus et passons une loi d'après laquelle le censitaire aura le droit de choisir son seigneur.<sup>44</sup> He denied that he was either a revolutionist or a socialist.<sup>45</sup> He concluded by declaring that it was absurd to reproach the poor Censitaires for coming to that House to ask if there were no means of being relieved from what they felt to be an injustice.<sup>46</sup>

MR. H. BOULTON (Norfolk) considered it proper that justice should be done to the seignor and censitaire and justice which should appear from the facts of the case and not the justice of opinion.<sup>47</sup> C'est pour cela qu'avant de prononcer, il faut des informations et des données certaines.<sup>48</sup> He thought that the matter should be referred to a select committee and evidence taken before it. He considered that great injustice was done to the poor censitaires in making them pay exorbitant sums not warranted by the grants of the French kings.<sup>49</sup> Si, en effet, les rois de France ont concédé les seigneuries à condition que les seigneurs feraient des sous-concessions à raison de deux sous de l'arpent et que maintenant l'on extorque douze sous par arpent, il est évident qu'il y a une injustice com-



mise. Mais alors pourquoi les cours de justice n'interviennent-elles pas? Le fait seul qu'elles ne l'ont pas fait, prouve qu'il y a quelque chose d'inexact dans les raisonnements des censitaires, où bien que les frais inévitables et nécessaires qu'il eut fallu encourir pour faire reconnaître leurs droits, ont engagé les gens peu fortunés à ne résister aux empiètements des seigneurs.<sup>50</sup> He thought from what had fallen from the hon. member who spoke last, and who had quoted a judgment of Mr. Justice Pyke, that it was necessary for the censitaires to go to the legislature to get their case decided, was a fact that deserved their attention. He wanted information and thought a committee the proper means to be adopted to procure it. He wanted information and thought a committee the proper means to be adopted to procure it. He repeated that he did not wish to favor censitaire at the expense of the lord.<sup>51</sup>

MR. CHRISTIE. Le membre qui vient de parler désire connaître quels sont les faits et quel est le véritable état de la question; mais si l'assemblée doit attendre que ce membre ait vu tout ce qui a déjà été fait sur le sujet et lu tous les documents amassés jusqu'à jugement dernier.<sup>52</sup> There were sufficient facts in the report of the Committee appointed in 1812, which would be found in the appendix to the journals of '43, to justify them in taking up the question.<sup>53</sup> Si l'honorable membre ne connaît pas l'état actuel des choses, cela n'empêche pas qu'un demi million d'hommes n'en sentent<sup>54</sup> an intolerable yoke around their necks.<sup>55</sup> He (Mr. C.) had taken an active part in the agitation of the question. He thought he could say without egotism, that in consequence of his exertions three acts had been passed partially to ameliorate the evils complained of. There were 30,000 petitioners now, as the member for Rouville had said, but there were 200,000 to the Lower Canada Parliament. He felt that they were greatly indebted to the Attorney General East, for taking up the question; he gave him hearty thanks for it, and should give him his support. Mr. Christie here referred in almost a whisper, to the opposition of the member for Saguenay, (Dr. Laterrière.)<sup>56</sup> M. Laterrière a comparé les abus qui résultaient de la tenure en France et du common soccage avec ceux de la tenure féodale. J'admets pour ma part qu'à son origine et que dans sa pureté, la tenure seigneuriale est préférable pour l'établissement rapide d'un pays nouveau; mais l'on n'a pas conservé cette pureté primitive du système seigneurial, excepté pourtant dans les seigneuries possédées par des corps ecclésiastiques. Dans quelques circonstances, le taux des rentes s'est élevé au centuple de ce qu'il était précédemment.<sup>57</sup>

COL. GUGY d'un ton de voix tout particulier s'écrie: écoutez, écoutez.<sup>58</sup>

MR. CHRISTIE. Le membre qui m'interrompt est lui-même un seigneur, et nul doute qu'il n'aime pas entendre révéler des choses aussi désagréables à ses oreilles. L'orateur continue ensuite à faire voir que les abus que l'on imputait à la tenure en France et au commun soccage, n'en étaient pas une conséquence inhérente, mais étaient plutôt le résultat du système suivi pendant de longues années de concéder sans conditions aucunes les terres des townships par vastes lopins à des particuliers qui les prenaient sans aucun dessein d'établissement actuel, mais dans la vue de spéculer plus tard sur ces terres.<sup>59</sup> He stated that with the exception of the ecclesiastical seigniories the legal rates had in some cases been increased even to the extent of fifty fold. He argued in answer to the member from Saguenay, who had stated that the Seigniorial Tenure was better for the poor man. He stated that a farm might be bought in the District of Gaspé for 3s or 5s an acre. But it would be better to pay much more and the man be the master of his land.<sup>60</sup> Puis il fait voir et explique le caractère et la nature du fardeau des lods et ventes, qui n'est qu'une amende que l'acquéreur paye au seigneur comme peine et punition de l'acquisition. Mais ce n'est pas tout; un particulier a-t-il fait bon marché, a-t-il fait une acquisition avantageuse, le seigneur a le droit de se mettre à sa place et de faire le marché sien; par exemple, je suppose que la propriété a été



achetée pour cinq cents louis, eh bien! le seigneur a le droit de prendre cette propriété en remboursant les £500. Immédiatement (sic) après, un individu quelconque en offrira mille louis et le seigneur profitera seule ainsi du marché, sans aucune peine de sa part, tandis que, pour conclure, il en a fait peut-être coûter bien des peines, du temps, du trouble et de l'inquiétude à l'acquéreur évincé. Le seigneur, sans doute, ne gardera pas cette terre entre ses mains; il ne l'a reprend que par spéculation; il l'a revendra donc, mais en la revendant, il imposera probablement une rente annuelle beaucoup plus élevée que celle dont cette terre était originairement changée.<sup>61</sup> He reverted to ... the droit de banalité<sup>62</sup>. Vient ensuite la défense faite au censitaire de construire aucun moulin sur le cours d'eau qui arrose sa propre terre; ajoutez à cela le droit du seigneur, en bien des cas, de prendre tout le bois dont il peut avoir besoin sur les terres de ses censitaires, sans rien payer à titre de compensation. De plus le seigneur peut, à certains intervalles de temps, forcer tout homme de sa censive, à venir devant lui personnellement pour renouveler ses titres de concession.

C'est au moyen de ce dernier droit que le seigneur tente d'effectuer ses empiètements; il profite du renouvellement des titres pour y insérer des conditions plus onéreuses qu'elles ne l'étaient précédemment.<sup>63</sup> These were intolerable abuses which should not be submitted to by British subjects. He asked if the hon. member for Norfolk wanted more information in the face of facts like these.<sup>64</sup>

MR. H. BOULTON said he was not opposed to their reform.<sup>65</sup>

MR. CHRISTIE continued. He thought that members from U.C. might not properly understand what lods et ventes were, and explained that they were one twelfth of the purchase money every time a property was sold.<sup>66</sup> Je demande donc cui bono quel bien pourra-t-il résulter d'un comité spécial aujourd'hui il n'en est nullement besoin; tout ce qu'il est nécessaire de connaître et de se procurer de documents, se trouvent déjà dans les journaux de cette assemblée.<sup>67</sup>

M. MONGENAIS explique ici que si un individu vend sa terre pour une rente viagère, ou annuité, les lods et ventes sont dûs tous les cinq ans; que cette rente viagère ou annuité doit être payée, tout comme si la propriété était rendue tous les cinq ans.<sup>68</sup>

COL. GUGY felt it his duty to put the House in possession of his views on this exceedingly important question, and he would use as popular a style as possible, in order that he might not be misunderstood. In the first place, then, he begged to inform the House that he was a seigneur. That piece of information would have come from him much more gracefully, if it had not been wrung out by the taunts of the hon. gentlemen behind him, and although that was the case, he could not understand why it ought to prevent his views receiving a proper degree of attention from the House. Now, mention had been made of the celebrated commission of 1843. He had been called before that commission as a witness and would beg leave to read an extract from the evidence given by him in answer to the eighth interrogatory, in order to show that his position as seigneur did not affect his desire to do equal justice to all men. The substance of his reply when it was given at considerable length, was, that a commutation was desirable, and he said so still--(hear, hear,)--not that he thought that commutation would be beneficial to the Censitaires, but because it was desirable to allay the feelings of hostility which had been caused by the agitation on this subject. In that evidence given seven years since, he had given a fair but condensed statement of the claims that he had on his Censitaires, and he wished now to show that he had then as at the present, held the views advanced by the Attorney General in the resolution before the House. Let any man then say what he chose about his position as seigneur disqualifying him to give a disinterested vote on this question, and he would reply that his readiness to surrender all the rights in his possession, ought to weigh the balance in his favour. But the argument thus made use of against him, was a two-edged sword that

cut both ways; for out of the forty-two members who had seats in that House as representatives of Lower Canada, he believed that there were but<sup>69</sup> two others<sup>70</sup>.

Here several voices cried out, four, six,<sup>71</sup> vingt indirectement<sup>72</sup>.

COL. GUGY. Well, there were in the House<sup>73</sup> five or six seigneurs--the rest were tenants, their families were tenants, their constituents were tenants--<sup>74</sup> twenty tenants to one Seigneur<sup>75</sup> dont les préjugés militent contre les seigneurs.<sup>76</sup> All their interests were bound up with the class of which they formed a part, and they were thus the natural enemies of the men whom they were anxious to despoil, and it would be found that every one of the men who kept up this agitation, and who were most forward and most zealous in raking up a mass of evidence--not always strictly correct--were tenants. If the argumentum ad hominem then applied to him, it would not be doubted that it applied with equal force to them also. In that view of the case, he thought it was highly desirable, and in fact, absolutely necessary that hon. gentlemen should divest themselves of their class interests, and approach the question with the same desire for equal justice that had influenced the Attorney-General in bringing forward this resolution. The majority against him was great, it was true. In his own seignories, he was but as one man to a thousand. On the floor of that House he stood in a very small minority; but yet he insisted on due respect being paid to his rights, and he demanded as a matter of right, that no attempt at spoliation--at destruction of those rights should be made--.<sup>77</sup>

MR. ARMSTRONG--Justice to all parties.<sup>78</sup>

COL. GUGY continued. Aye the hon. member for Berthier cried out for justice. But the hon. member for Berthier would find that he would obtain no more than justice, and he would defy the hon. member for Berthier who from the great interest he had in this agitation, was<sup>79</sup> un grand spéculateur sur les terres dans les seigneuries<sup>80</sup>, to do him an injustice, as the preliminary step must be the consent of forty-two members of Upper Canada and forty-one members from Lower Canada. The hon. member for Rouville was also an agitator, but it was really refreshing to listen to the sentiments he enunciated. He set the hon. member for Rouville widely apart from the hon. member for Berthier; the distinction to be drawn between them was very great. He did not of course mean to say that the hon. member for Rouville was prepared to despoil the Seigneurs by the strong hand, but he would confess he was very much afraid of him. Of the hon. member for Berthier however, he entertained no fear; he demanded the commutation of the Seignorial Tenure, it was true, but then he adopted as the basis, principles by which every man ought to be guided, that no one ought to be deprived of his property without being remunerated. In discussing this question it would be necessary to observe that there were two classes of proprietors or Seigneurs in Lower Canada. First, those that held their lands from their ancestors to whom they were granted by the French king, generally for military services,<sup>81</sup> or other services,<sup>82</sup> and secondly the class to which he belonged, and which had grown up since the conquest, consisting of persons who had purchased their Seignories from the original proprietors. These Seigneurs or their progenitors had acquired their rights by paying hard cash<sup>83</sup>, et ces derniers sont presque tous d'origine anglaise.<sup>84</sup> Well a great deal of property of that description was in the market at different times and a great deal of it changed hands even last year<sup>85</sup>. The former kind were often extravagant and then properties ((also)) went into the market. He instanced the seignory of Lascalle (sic)<sup>86</sup>. Many persons who had read the Globe newspaper of to-day would see that it contained an advertisement of a most valuable property--the Lasalle Seignory now offered for sale<sup>87</sup>, which it was said an honble. member of the house from U.C. was going to purchase for £20,000.<sup>88</sup> Suppose that property sold to-morrow to some rich capitalist for £15,000 or £20,000; that they paid the money down, what kind of justice would it to be tell that man in three or four days, that he must be deprived of the



property which he had just acquired at a great outlay? That the land which he had honestly purchased must be violently torn away from him, in order to satisfy a popular cry?—Well, there were hundreds of Seigneurs in Lower Canada, French and English equally in that position. Would the honourable gentlemen who advocated this agitation dare to stand up on the floor of that house, and insist on their spoliation? Would they dare to stand up and advocate a retrospective law in opposition to all justice, to all right for the purpose of carrying out their views?<sup>89</sup> He stated that the law defined the rights of seignors (sic) and contended that the legislature had no right to make an ex post facto law.<sup>90</sup> He did not want the Seigneurs to have more than they possessed, but that they should hold what they possessed.<sup>91</sup> But the fact was, that an idea ... gaining ground among the masses<sup>92</sup> in Lower Canada was<sup>93</sup>, that the power would soon be in their hands, and that they could then divest the seigneurs without danger and much to their own gratification, of their lands and rights. In fact it appeared that they were about to adopt the motto of the free-booter Rob Roy; that

"The good old plan sufficeth them,  
That he may take who has the power,  
And he may keep who can."

Spoliation was their grand object<sup>94</sup>, but that was not, nor ought to be the impression of educated men.<sup>95</sup> The hon. member thought that the seignors (sic) were in danger of being spoliated by the Lower Canada agitators. He condemned the revolutionary ideas that were there spreading, and thought they would end in causing the landlords to be despoiled of their vested rights<sup>96</sup> et personne n'a droit de se plaindre puisque le propriétaire (land-lord) ne forçait personne ni n'avait forcé personne à prendre une terre contre son gré.<sup>97</sup> That House would always remember the sanctity of the contract which in every case existed between the tenant and the landlord.<sup>98</sup>

MESSRS. ARMSTRONG et CHRISTIE se levèrent ensemble<sup>99</sup> and interrupted the hon. member<sup>100</sup>.

MR. ARMSTRONG would beg to inform the hon. gentlemen that the seigneur was not a landlord. He was nothing more than a steward. (Laughter)<sup>101</sup>.

MR. CHRISTIE said, the hon. member had made a great mistake. The Seigneurs were merely trustees to whom the lands had been committed, in order to obtain their settlement, and they had sadly abused their trust.<sup>102</sup>

COL. GUGY said, he was in the position of the ass between the two bundles of hay. (Laughter.) But as he was so, he would first eat up the hon'ble member for Gaspé. (Laughter.) He would assert then that the hon. member was profoundly ignorant of the question, or he would never make such an assertion, and he would defy him, or any other man to prove its truth.<sup>103</sup>

Some confusion here arose, MR. CHRISTIE rose<sup>104</sup>, with great heat, but could not be heard, as his voice was overpowered<sup>105</sup>.

COL. GUGY maintained the floor.<sup>106</sup> He would not allow himself to be interrupted, and called upon the Chairman to preserve order. He desired that he might not be interrupted in discussing a question of some delicacy and great importance to hundreds and thousands in the country.<sup>107</sup>

MR. CHRISTIE said that the hon. gentleman represented about fifty freeholders.<sup>108</sup>

COL. GUGY begged to assure the hon. gentleman that he represented rather more than fifty.<sup>109</sup>

MR. CHRISTIE reminded Col. Guky of a requisition got up in the town of Sherbrooke,<sup>110</sup> signed by the most of them<sup>111</sup>, calling on him to resign his seat.<sup>112</sup> (à l'ordre, à l'ordre.)<sup>113</sup>



COL. GUGY complained of the interruption. He had used the terms landlord and tenant, not in their absolute sense, but as being the English representative of Seigneur and censitaire.<sup>114</sup> ((Il)) voudrait savoir quel rapport cela peut avoir avec la question?<sup>115</sup> ((And he)) would ask the Chairman, he would ask the Committee if it were not too bad that the hon. member should introduce matters altogether foreign to the question at issue when he was speaking to it, in the utmost candour and sincerity of heart. He could only say to the hon. gentleman that when that requisition reached him, he would treat it with the contempt it deserved, and he would tell the people who signed it and who only clamoured against him, because he would not join them in an attempt, which deserved the execration of all honest men, to dismember the empire, that he would not resign his seat, but he would go back and, be re-elected when he thought fit<sup>116</sup>, en dépit des auteurs de cette impertinente démarche<sup>117</sup>. However if it should so happen that he did not return to that House again as the member for Sherbrooke, it was very, very likely that he would come in again for some other place. He would now revert to the question, and if he made use of the word landlord, he hoped he would be excused by the member for Gaspé, for although he was acquainted with the French language, yet the English was his mother tongue, and he preferred using that term which conveyed the exact meaning of the French word, in order that hon. gentlemen from U. Canada might understand him.<sup>118</sup> La concession faite par le Seigneur, est un contrat fait entre deux parties, librement consenti par chacune d'elles.<sup>119</sup> Every tenant had a deed.<sup>120</sup> The first point then for their consideration, was whether they should interfere with the contract between a landlord and tenant, and then whether they were going to pass an ex post facto law in order to accomplish the object proposed. He was confident that no man in that House would propose such a law, and yet it happened unfortunately enough for the hon. member for Rouville, who was not thoroughly conversant with this subject, however great his knowledge of materia medira might be, that his statements were founded upon ex post facto laws, passed during the French rule in this colony, at a time when contracts were held very lightly.<sup>121</sup> Il est vrai, ((que)) nombre de ces contrats passés entres particuliers furent faits, puis ensuite l'on passait des lois réactives, qui annulaient ces conventions entre les particuliers.<sup>122</sup> As a matter of course they could carry but very little weight with them, but even then the hon. gentleman had fallen into error. Admitting however for the sake of argument that during the French rule, ordinances were made,<sup>123</sup> in 1700, 1711, and 1732, declaring that Seigneurs should not levy upon their Tenants more than one penny for every superficial acre.<sup>124</sup> Mais j'ose croire que personne aujourd'hui ne voudrait entreprendre de défendre le principe des lois de cette nature<sup>125</sup>. He held that these enactments were not binding, because in the deed from the Crown there was no restriction of that kind.<sup>126</sup> Cependant je vois le membre de Rouville, M. Davignon, s'appuyer pour soutenir ses prétentions, justement sur des lois rétroactives, et encore des lois faites non pas par un corps législatif, mais par une cour de justice<sup>127</sup> which under the despotism of the French government had legislative power<sup>128</sup> faites pour tout un pays, à l'occasion d'une contestation judiciaire entre deux simples particuliers. D'après cette décision donc, dans l'opinion de M. Davignon, le seigneur ne pouvait pas exiger plus de deux sous par arpent. Eh! bien, telle n'était pas la loi.<sup>129</sup> The points decided by judgment were not those now brought before the house.<sup>130</sup> Mais admettons-le pour un moment. Pour bien apprécier ce taux<sup>131</sup> should not hon. members take into consideration the relative value of money and land then, compared with what it is now. Taking into consideration the state of the country then, and supposing that instead of one penny, twopence per acre had been fixed on as the rent,<sup>132</sup> dans une cause particulière,<sup>133</sup> would any person suppose that that rate was to continue for ever, or that the rent which was sufficient at that time ought to be considered the full value of land at the present day. But he could prove that the hon. gentleman was wrong, and that the rent was not fixed in any original patent granted by the Crown. The arret to which reference was made con-

tained no provision of the kind.<sup>134</sup> M. Gagy lit ici l'arrêt de 1711<sup>135</sup>. It provided against the sale of wild lands by the landlords<sup>136</sup>. Le seigneur était obligé de concéder gratuitement<sup>137</sup> lands in a wild state<sup>138</sup>, to any person who might claim the right of settling them, at the accustomed rent per acre; but no actual rate in money, no maximum had been fixed<sup>139</sup>, auquel le Seigneur dû s'astreindre dans ces concessions.<sup>140</sup>

((Il y eut)) une interpellation du DR. DAVIGNON.<sup>141</sup>

COL. GUGY. In explanation, he would say that the landlords, as had been very properly stated, had been given these lands in trust, to promote the settlement of the country.<sup>142</sup>

MR. CHRISTIE. Do you admit that?<sup>143</sup>

COL. GUGY. Certainly.<sup>144</sup> En effet le seigneur, par son titre, était obligé de concéder aux taux ordinaires des rentes.<sup>145</sup> If a Seigneur refused to leave a tract of land, the applicant had it in his power to bring him into Court, and state his case, upon which the Court resumed the lands for the Crown, and conferred them upon the applicant, on condition of his paying to the Seigneur the customary rent<sup>146</sup>, one penny for each superficial acre.<sup>147</sup> That was all that the judgment of the Crown decided.<sup>148</sup> That was the real state of the case, and he appealed to every professional man in the House to confirm or deny the truth of his assertion.<sup>149</sup> But that, he said did not justify the tenants in Lower Canada to demand, without distinction, that the Seigneurs should receive that sum only for rent.<sup>150</sup> Any person at all acquainted with the great difficulty experienced by immigrants in getting land under the law of free and common soccage, would at once admit the great superiority of the Seigniorial tenure as a means of settling the country, and the injustice of the out-cry against it as an oppression.<sup>151</sup> En effet, il n'est besoin d'aucune avance d'aucun capital préexistant pour acheter la terre.<sup>152</sup> A man ... was not obliged to go to shaffering (sic) with the owner of land; he goes with his axe, clears a settlement and demands a right to the land on the payment of<sup>153</sup> a trifling<sup>154</sup> annual rent.--The property is his; no human being can touch it.<sup>155</sup> It had been received in a different light by some people, who after living on his lands as long as they chose, paid him by petitions to the Parliament<sup>156</sup> pour la destruction de la propriété du seigneur<sup>157</sup>, to render void the contract made by them. These petitions were very properly met by the Attorney General East, who said you shall certainly have what you desire, but you must pay for it.<sup>158</sup> Je le répète, la tenure seigneuriale est spécialement bien adoptée aux ressources d'un pays nouveau pour en avancer rapidement le développement; elle est bien plus favorable à l'émigré pour lui faire obtenir la propriété d'une terre, que les divers systèmes de tenure qui existent dans le Haut-Canada.<sup>159</sup> He was prepared to support the proposition of the hon. Attorney General (East) ... to abolish Seigniorial dues after having compensated Seigneurs for the loss; but what he objected to, was the seeming proposition of some, to abolish them without making any compensation. He thought that the proposition of the hon. member for Rouville was absurd, which would enact the payment of one penny per acre on all lands<sup>160</sup>. He (Col. G.) knew very few cases where rent paid is more than a penny an acre.<sup>161</sup> It was well known that there were different qualities, and it would be therefore unfair that the possessor of good land should pay the same amount as the possessor of bad.<sup>162</sup> The bad would be cultivated by serfs or abandoned.<sup>163</sup> They did not appear to understand the difficulties which the settler in the Huron tract, paying \$3 per acre, had to encounter, or the trifling rent paid to the Seignories would in comparison sink into nothing.<sup>164</sup> Une autre considération encore, c'est la valeur relative de l'argent, de la monnaie, à des époques différentes<sup>165</sup>. He had already said that no maximum of rent had been fixed, and it should be remembered that if the rent of an acre of land in 1711 had been no more than a penny, a dollar would then purchase four times, yes, perhaps ten times as many of the necessities of life as it would



now,<sup>166</sup> et conséquemment le seigneur ne doit pas être forcé à concéder aujourd'hui sa terre pour une quantité nominale d'argent monnoyé aussi faible que celle pour laquelle ils concédaient dans les premiers temps de l'établissement du pays.<sup>167</sup> It would be an act of gross despotism to attempt to limit the value of lands in this day to what it was 140 years since. Every man was entitled to get what he could for his property<sup>168</sup>, and the moment that right was restricted that man was enslaved.<sup>169</sup> Why should not the Lower Canadian landholder enjoy the same privilege? If his land increased in value, why not have a right to demand that value?<sup>170</sup> How would gentlemen holding lands in Upper Canada like to be told that in virtue of an obsolete ordinance they must give their good lands for a fixed value. He maintains that no law could, under the constitution, compel any man to part with his property for less than its market value. He would now refer to another branch of the subject.<sup>171</sup>

Le dictum de juge Pyke, que l'on a cité, n'était pas une opinion donnée sur une question légalement mise devant lui comme juge. Du reste, il importe peu que le nombre des pétitionnaires dont parle M. Davignon, membre de Rouville, soit de trente mille ou soixante mille; c'est toujours la même chose.<sup>172</sup> He was surprised the member had stopped there; and that he had not got 60,000.<sup>173</sup> He did not take into account the number of petitioners. Petitions could be got up on any subject, if you will pay well for it. It costs the petitioners nothing<sup>174</sup>, not even the paper on which they were written. It was quite easy to get up an agitation. The people would follow any agitator no matter what was the color of his hair.<sup>175</sup> He ventured to say that out of every thousand petitioners nine hundred and ninety-six were dupes, and ((what)) the other three were, he would not say.<sup>176</sup> Ils ont tous quelque chose à arracher au seigneur, et comme toutes les multitudes dans tous les pays, leur lot est de se faire beurrer, et toujours beurrer: sans que cela leur donnât plus de beurre à mettre sur leur pain, comme on leur en donnait l'espoir néanmoins.<sup>177</sup> It was necessarily the fruit of that system which had obtained in all ages of the world, for from the beginning of time down to the return of the hon. member for the county of Sherbrooke, the multitude always had ready ears for any humbug who amused them with a tale of the oppression and abuse to which they were subjected, whenever their support was necessary to the man who was ambitious of cutting a figure; and in return, pledges were given for the redress of all abuses that did or did not exist.<sup>178</sup>

DR. DAVIGNON said that he had never bound himself by any pledge to his constituents.<sup>179</sup>

MR. H. SHERWOOD enquired whether it was the intention of the hon. member to support the resolution<sup>180</sup> of the Attorney General.<sup>181</sup>

COL. GUGY. Certainly—he had so ten times over, and he said so, again.<sup>182</sup> He made some further remarks on the seigniorial tenure.... The hon. member made some explanations of the lods et ventes.<sup>183</sup> Fearful however of trespassing on the time of the House, he would conclude by saying that he was glad to find that the hon. member for Gaspé did not include all Seigneurs in the charges he had heaped on them. For he would defy any man to say that he had been guilty of such baseness as had been charged against some. He had always set his face against abuses of every description and he should continue to do so to the end of his life.<sup>184</sup>

MR. ARMSTRONG spoke against the continuation of the present laws of real property in Lower Canada: and asserted that<sup>185</sup> the great complaint in the country was, that the censitaires had been imposed upon.<sup>186</sup> The popular feeling was so strong that if they were not revised, the Seigneurs would be compelled to adopt a much less advantageous mode of settlement than that proposed by the resolutions which he should cordially support.<sup>187</sup> ((He)) referred to the high price paid to the seigneurs for lands at the present day, as indemnity to ten or twelve times the sum which it was originally. The question to be determined, he said, is, has



the landlord a right to alter the price of land as established in 1711, and subsequently in 1792, when it was fixed, as he contended, at the rate which was then demanded. He did not wish to travel over the ground traversed by the hon. member who had just spoken--there would be no end to it, and it was unnecessary, as the question would be investigated by a Select Committee. But he would meet him on every point. If the tenure by which lands are held in Lower Canada, he would ask, is so popular, how did it happen that the hon. member for Sherbrooke (Col. Gagy), who is<sup>188</sup> seigneur de Grand Pré et Gros Bois, situées dans le comté de St. Maurice<sup>189</sup>, did not succeed in his election in 1841, backed, as he was by the office and influences of Adjutant General of Militia<sup>190</sup>, dont il se servait pour appuyer celui de seigneur.

Il, M. Armstrong, n'avait rien à lui reprocher comme homme privé et conséquemment il croyait que sa faillite était due à son titre de seigneur.<sup>191</sup> It might have been the result of the system which exists; which, if it were such as to affect a good man in this way, ought to be altered. The Attorney General East had very properly said, if the question is not now settled by the seigneurs on some reasonable and equitable plan, they would be the sufferers ultimately; and the period would arrive, when they would not have that justice meted out to them which they might obtain at present.<sup>192</sup> Je ne veux pas laisser tomber ce qu'a dit de moi M. Gagy.<sup>193</sup> Le vaillant colonel a dit qu'il ne craignait plus que l'hon. membre pour Rouville. Je ne sais pour quelle raison, si ce n'est que parce que c'est par mes efforts que la commission d'enquête sur la tenure seigneuriale a été obtenue en 1843. Ce rapport contient des faits dont l'effet sera plus durable que tous les longs discours que l'hon. membre pourra faire.<sup>194</sup> He pointed that out to the hon. member for Norfolk, who desired information.<sup>195</sup> M. Gagy a dit qu'il se résignerait-il à faire cet abandon?<sup>196</sup> Pour une indemnité basée sur des rentes qu'il reçoit aujourd'hui et que nous croyons, nous, entièrement trop élevées.<sup>197</sup> Les arrêts auxquels on a référé, établissent que les concessions doivent être faites au taux accoutumé: donc il y avait un taux, et il doit y avoir quelque moyen de retrouver ce taux. M. Gagy a reconnu, cependant, que le seigneur est obligé de concéder<sup>198</sup> et c'est une doctrine reconnue.<sup>199</sup> S'il en est ainsi, il est indubitablement obligé de concéder pour un certain prix, et il ne peut pas fixer le prix<sup>200</sup> des rentes et les autres charges<sup>201</sup> qu'il lui plaît.<sup>202</sup> Logiquement parlant, c'est impossible. S'il est obligé de concéder, la loi doit définir les conditions de la concession et je maintiens qu'elles sont définies par les arrêts de 1711 et 1732<sup>203</sup> qu'il y a des seigneuries ... où les terres ne sont pas toujours concédées gratuitement; mais il arrive fréquemment que<sup>204</sup> les seigneurs vendent leurs terres<sup>205</sup> for four or five dollars an acre, and afterwards demanded rentes (sic) in addition from the parties who purchased<sup>206</sup> et ensuite on donne un titre de concession pour couvrir la transaction.<sup>207</sup>

COL. GUGY.--Je défie l'honorable membre de prouver cet avancé.<sup>208</sup>

MR. ARMSTRONG.--L'hon. membre le nie et moi je l'affirme, et je suis prêt à parier<sup>209</sup> £25<sup>210</sup> avec lui que le fait existe.<sup>211</sup>

MR. SOL. GEN. DRUMMOND dit que ce que M. Armstrong vient de mentionner a été fait, mais que c'est certainement illégal.<sup>212</sup>

Depuis quelques années, il, MR. ARMSTRONG, n'a pas pris de part active, hors de cette chambre, dans l'agitation de cette question, parce qu'on avait insidieusement répandu parmi ses constituants franco-canadiens, qu'il n'était pas la personne propre à agiter cette question, car c'était une question, disait-on, qui était plus ou moins liée à leur nationalité et que cette tenure était propre à la maintenir, conséquemment cet appel au sentiment national de ses constituants devait être pour lui, un avis de se tenir à l'écart dans l'intérêt de la cause même; et M. l'orateur, a-t-il ajouté, c'est avec beaucoup de plaisir que j'ai vu mes concitoyens d'origine française venir des différentes parties de la province se réunir en convention à Montréal dans le but de faire disparaître les abus de cette tenure

qui pèse si lourdement sur l'industrie du pays.<sup>213</sup>

MR. PAPINEAU said, he should vote for the resolutions although he contended strongly against the injustice of the agitation to destroy the Seigniorial tenure. He denied its truth and justice.<sup>214</sup> It was not his intention to have spoken on the momentous question then before the Committee; nor should he have changed his intention, had it not been for the erroneous opinions expressed by gentlemen who had spoken, and who should have been better informed upon the subject.<sup>215</sup> Il est un principe de moralité et de droit social qu'il ne faut pas perdre de vue dans la discussion de la tenure seigneuriale : c'est que la propriété du riche doit être protégée et respectée par la société, tout comme celle du pauvre; car ce n'est que dans la garantie de cette haute protection que le droit de propriété puise toute sa sainteté et son inviolabilité.<sup>216</sup> Here he said, there existed no feudal tenure, such as prevailed in Europe during the dark ages, when the minds of many were enslaved, and there existed a degrading serfdom. Nothing he said, of this kind exists or has ever existed in Lower Canada.<sup>217</sup> No tyranny had been exercised by the Seigniors in this country.<sup>218</sup> But the right by which the seigneurs held their property, is as incontestible as that of free and common soccage grants derived from the crown; and the idea that the seigneurs are merely trustees is consequently erroneous. To understand the question correctly, gentlemen must refer back to the early settlement of the country, and must understand what were the views of the Legislature at the time; and they must not be influenced by opinions entertained with reference to the titles of land that prevail at the present day, which, so long as they are not abrogated by a failure to perform the conditions that are imposed, must be held sacred. Let gentlemen look at the period when this Province was originally settled, when feudal and military tenure and personal servitude had ceased altogether in Paris and its vicinity,<sup>219</sup> ((et)) dans la plus forte partie de la France, et elles ne furent pas introduites ici, ce qui annihile les objections à la tenure, fondées sur ces servitudes.<sup>220</sup> That part of the Seigniorial Tenure which had been applied to Canada had been chosen with a view to encourage colonization, and to favor the poor man.<sup>221</sup>

C'est la coutume de Paris, qui venait d'être remodelée en France, qu'on introduisit dans ce pays comme étant plus favorable que toute autre coutume pour l'homme pauvre. Devenue ainsi loi du Canada, on doit conséquemment se conduire d'après l'esprit de cette loi.<sup>222</sup> This custom was written near a hundred years after the discovery of the East and West Indies, and fifty years after the appearance of Luther, who in his turn destroyed religious shackles and political slavery. The custom of Paris, he said, was the most liberal of tenures in France, and was granted by the King of France to this favoured portion of his dominions. It was only twenty years after the reformation of that law that the settlement was commenced in Canada; and when Quebec and Port Royal in Acadia were established, the coutume de Paris was also introduced, such being the invariable policy of the monarchs of France. The first step, therefore, to enable members to come to a right conclusion, is to study the title by which persons in the Province originally held property, and it would be found the system which then prevailed was not the less wise or liberal, because it was the act of an absolute government and whose object was to conciliate persons of influence and property in old France, and to induce them to leave behind them all the blessings and advantages of civilization, and its social and endearing ties, for the purpose of settling on the inhospitable shores of the St. Lawrence<sup>223</sup>, couverts de forêts,<sup>224</sup> there to contend with the Indian tribes by which the country was peopled. Was it to be supposed that under such circumstances the seigneurs would have parted with the property which they possessed in France, to obtain in exchange lands in this then wilderness country--to contend for its possession with beasts of prey, and with Indians, if possible, wilder than they were--lands which were never to be of increased value, and which they could not transmit unfettered by unjust restrictions to



their posterity? In the early settlement of the country, between 1630 and 1680, certain tracts of land were distributed among two hundred seigneurs, at which time there were not more than fifteen hundred inhabitants<sup>225</sup> sur la même étendue de terre qui en nourrit aujourd'hui 800,000.<sup>226</sup> Among the persons to whom the seigniories were granted, were the names of families--names which are historical, and which are still entitled to be treated with respect, and ought not to be assailed by the<sup>227</sup> mendicant<sup>228</sup> minions of popularity, who go about the country and tell the people they are robbed, because they do not obtain their land at two sous an acre.<sup>229</sup>

Entre autres les deux plus grandes qui ont été occupées par les familles Couillard et la Ferté-Duchesnay, avaient été données comme récompense des services importants rendus par eux au pays; ces familles encore, au lieu de les menacer du dépouillement de leurs propriétés, il serait mieux de se souvenir avec reconnaissance de leurs services.<sup>230</sup> The Soloris of the plough and the lancet had deluded a few ignorant people into the belief that they ought to obtain lands at a rate of 1d. an acre: and then they came to the House boasting that 30,000 people had petitioned for the abolition of the Seigniorial tenure<sup>231</sup>. He (Mr. P.) was not surprised at the number of signatures which had been obtained to the petition; he would not have been astonished had 300,000 names been affixed, when such absurd and unfounded representations were made; and when the people had been told that the property was theirs, notwithstanding the decisions of the tribunals of the country, that there is no legal maximum of rent; which had been the uniform decision, not only during the last fifty years, under the new regime, but previously under the old regime.<sup>232</sup> It was surprising that the whole country had not been thoroughly demoralized when the people had been under such teaching.<sup>233</sup> But it was not the number who complained which made a measure unjust or just, and one man had the same right to that which belonged to him as the million had<sup>234</sup>. Pour l'honnête homme, cette raison du grand nombre ne doit avoir aucun poids, car il est autant de son devoir de résister à la masse lorsqu'elle s'égare qu'il l'est de s'opposer aux criminelles démarches des tyrans<sup>235</sup>, and it was an established principle of English jurisprudence, that no ex post facto law could be passed, or which had a retrospective operation, by which existing contracts could be altered<sup>236</sup>; it was immoral.<sup>237</sup> This House could not act as an appellate tribunal from the unanimous decisions of the regularly constituted courts for nearly half a century. It mattered not that the wrong came from the tyrant million.<sup>238</sup> Le droit de propriété est au-dessus de toute loi;<sup>239</sup> and if this principle was not recognised by legislative bodies and the decisions of courts, it stands recorded in the ten commandments, and is engraven (sic) on the heart of every honest man, which says, "thou shalt not rob." Every prudent man, therefore, in deciding the question, and who may not have studied the subject, should ask himself if he ought to violate the rights of property.<sup>240</sup>

Je dois aussi blâmer les hommes qui ont mis de côté leurs labours et leur lancette, pour s'occuper à condamner les juges et à renverser à leur guise la jurisprudence du pays. Tout occupant d'une propriété doit en avoir le titre absolu, à moins que son droit ne soit limité par quelque condition particulière; mais, comme je l'ai déjà dit précédemment<sup>241</sup>. From investigations which he (Mr. P.) had made, he was prepared to say, that from 1619<sup>242</sup>, les trois quarts des seigneuries, ... ont été données, dégagées de toutes conditions quelconques.<sup>243</sup> The assertion that a maximum rent was fixed by the original grants of the kings of France was false, and had for the last fifty years been decided to be so by the courts:--Until the year 1600<sup>244</sup> the French law granted the Seigniories on the condition that the Seigneurs would settle them in four or five years. The grants were at first unconditional<sup>245</sup>. In the early settlement of the country, had they exacted high rents, it would have remained in the possession of the wild beasts and the Indians.<sup>246</sup> La politique de la cour de France sur ce fait peut se résumer ainsi: Nous vous donnerons de vastes concessions de terre, que vous établirez à votre profit.



Pour atteindre cet objet, vous devrez dépenser du capital, et trouver des colons. Or, si dans trois ans vous n'avez pas construit une demeure, un moulin, ni trouvé de colons, vous perdrez votre terre et vos avances.<sup>247</sup> Not only were tenants to be induced to settle, but the seigneur with his family must reside on the land himself, and introduce the requirements of a community. To induce him to do this, great advantages were held out, by which two hundred gentlemen were prevailed upon to quit their native country: who were not at first to enjoy large profits, but who might look forward to a period, when owing to the settlement and improvement of the country, their children and grandchildren would, owing to the increased value of their estates be in the enjoyment of comfort and competence, if the public faith were kept. As the population of the country increased, new titles to land were given to seigneurs, under condition then, to re-grant; but still the parties could not re-grant their lands except upon a stipulation to pay the seigneur an annual rent, the amount of which was not fixed. But even taking two sous as the rent of an acre of land in 1700,<sup>248</sup> would it not be preposterous to argue that<sup>249</sup> les deux sous de l'année 1711 n'avaient pas beaucoup plus de valeur, alors, que la même somme en 1850?<sup>250</sup> Are the two sous of 1850 the same value as the two sous of 1700?<sup>251</sup> which had gone on decreasing, owing to the large importations from South America, and which would be still more deteriorated, owing to the discoveries and recent conquests made by the United States.<sup>252</sup> The price of produce and labour naturally regulates the value of land, and in 1700<sup>253</sup>, at the time two sous were demanded, the price of the bushel of wheat, which is after all the true standard of value, was thirty sous<sup>254</sup>, and the value of a day's labour was 15 sous;<sup>255</sup> en sorte que les fortunés ancêtres de l'hon. membre pour Rouville payaient plus cher de fait en donnant deux sous qu'il ne le fait, lui, en en donnant huit ou dix.<sup>256</sup> What shadow of reason then had those unprincipled spoliators who contended that the value of land in 1850 was no greater than in 1700.<sup>257</sup> The tenant, therefore who originally paid two sous, gave more in proportion than is at present demanded. By the ordinance of 1711, he said the seigneur was precluded from selling his land, but was to regrant it, receiving in return an annual rent; and if the seigneur refused to grant the land, the tenant could apply to the Crown and obtain a title. The rent however, was not fixed, but varied according to local circumstances, and the price was often regulated by the value of lands in the neighbourhood; and this principle of the changeable nature of rents, had been confirmed by every decision, where an appeal had been made to the tribunals of the country.<sup>258</sup> Some of the Seigneurs had sold their lands in contravention of the grant on which they received them; and the government interfered only to compel an observance of the terms of the grant.<sup>259</sup> As early as 1714 the question came up for the decision of Louis the Fourteenth, only three years after the issuing of his ordinance of 1711, and which arose out of a grant<sup>260</sup>, la seigneurie des Deux Montagnes<sup>261</sup>, that was made to the seminary of Montreal, for the purpose of propitiating the Indian tribes, among which were The Five Nations, at once the most formidable and the noblest specimens of humanity; when the local authorities of that day, fixed a maximum rent.<sup>262</sup> Interprétant cet arrêt sous le même point de vue restreint, avec lequel on l'a envisagé ce soir, déclara que le Séminaire serait tenue de concéder à deux sous par arpent.<sup>263</sup> Their decision was referred to the King, who confirmed the grant, but did away with the condition of maximum of rent<sup>264</sup>, et inséra à sa place les mots: "aux taux ordinaires," en donnant au Séminaire permission expresse, par une autre clause, de prendre toute rente qu'il pourrait obtenir pour une terre défrichée.<sup>265</sup> It was to be the same as that paid by the surrounding censitaires<sup>266</sup>--a proof, if any were wanting, that by the ordinance of 1711, it was not intended to have a fixed rate of rent, or it would not have so soon been deviated from.<sup>267</sup>

La seigneurie Bouchard dut donnée subséquemment, avec la permission de prendre pour la rente une somme plus forte que celle fixée par l'hon. membre pour Rouville,

en outre de trois jours de corvée ou de service personnel. L'affaire de M. Lavaltrie est importante, parce qu'elle confirme la loi sur ce sujet.--Il avait concédé à un taux minime, et avait reçu ses rentes d'après ce même taux pendant dix-neuf ans. Ce laps de temps écoulé, il s'aperçut qu'il y avait en erreur dans un contrat notarié, et demanda en conséquence à un ancien tenancier, une rente plus élevée, qui était la même que lui payaient les censitaires nouvellement établis dans la même concession.

Eh! bien, dans ce cas, le défendeur ne prétendit point que les seigneurs n'avaient pas le droit de ne demander qu'un taux du rente déterminé, mais il ne s'appuya que sur ce qu'il était juste que son contrat fût maintenu, en dépit de l'erreur qu'il renfermait. Dès-lors, il était évident qu'il n'y avait aucun maximum d'établi pour la rente.<sup>268</sup> He reasserted that the agitators were mendicants of popularity. The property of the seigniors was guaranteed both by public and private law, and the faith and honor of England were pledged that it should be maintained.<sup>269</sup> There was no instance, he said, of a more palpable violation of the rights of property, than was perpetrated by Lord Sydenham and his Special Council, with reference to the Seminary of Montreal, which had submitted uncomplainingly to the robbery of one-half of their property; following the fortunes of other corporate bodies, which among the changes that Providence sees fit to introduce in the world, must comply with those modifications which the Legislature, under altered circumstances, may deem it expedient to effect. And what did it tell of the burthens imposed upon the people by the seigneurs, and against which it was said they were ready to rise--that of four thousand<sup>270</sup> rich farmers<sup>271</sup> holding property in the Island of Montreal out of the City,<sup>272</sup> OR of 40,000 censitaires<sup>273</sup> under the tenure against which an outcry has been raised, not thirty had availed themselves of the proffered permission to alter it<sup>274</sup>, ((which)) the Seigneurs of Montreal who possessed the power of commuting their dues, had lately offered to do ... on most liberal terms<sup>275</sup> on one payment of lods et ventes<sup>276</sup>? That fact said more than all the speeches that they heard about oppression, abuses, &c.<sup>277</sup> This was a fact proving that the people generally had no opposition to the tenure as it existed.<sup>278</sup> Public faith cannot be broken by a Legislature without the immorality rebounding back upon the Legislature, and spreading immorality both far and wide among the people.<sup>279</sup> It had been stated by the agent for the seignory of Beauharnois that the seigneur had expended for the opening of roads, in addition to other useful purposes, £50,000 from his own private property; and should not the rent to be paid by his tenants correspond in a proportionate ratio.<sup>280</sup> Was it not monstrous to be told as they had been that Seigneurs ... must demand no advance on their rent as interest of outlay? Was it not to advocate fraud and robbery to advocate such a principle?<sup>281</sup> Autrefois, on avait élevé plus de plaintes contre le seigneur de Beauharnais que contre toute autre personne, parce qu'il prenait 6d. par arpent. En supposant que les faits tels que déposés par les agents de ce seigneur fussent vrais, il avait dépensé de fortes sommes pour des objets d'utilité publique, tels que chemins et écoles. Dans le même temps, les terres de la seigneurie voisine se concédaient 2d. l'arpent; et néanmoins les cultivateurs préféraient s'établir dans celle de Beauharnais.--Et pourquoi cela? Parce que ces grandes améliorations publiques justifiaient l'augmentation des rentes dans Beauharnais.<sup>282</sup> The result, Mr. P. said, was to spread demoralization far and wide; and the feeling which had been excited against the seigneurs, among an ignorant class of people, who did not understand the rights of property, resembles that which is frequently created in the minds of the rural population against the merchant, who they think has rendered an unjust account, which, owing to the absence of a due portion of care and precaution, they contend is incorrect; and was intended to deprive them of their property. He, (Mr. P.) was an ardent<sup>283</sup> admirer of popular institutions: an ardent reformer of abuses, and desirous of obeying the popular will<sup>284</sup>, and considered every member of the social compact had a right to seek that condition, which might be most conducive to his happiness,



and which it was in his power to obtain, in the hope that every change would bring with it additional freedom; not as is found in this Province, where despotism assumes the garb of Reform.<sup>285</sup> ((He)) would never cease to decry the constitution under which we at present lived, which, he believed, was the worst with which the country had ever been cursed; but he was a conservative in all that related to preserving intact the rights of<sup>286</sup> property.<sup>287</sup> So far the opinions of counsel which had been quoted what were they worth? Messrs. Bedard and Sullivan were certainly men entitled to great respect: but<sup>288</sup> quant à l'idée déjà émise, que la législature était tenue d'agir conformément aux opinions attribuées à MM. Bédard et O'Sullivan (sic), elle est tout-à-fait ridicule.<sup>289</sup> If the Seigneurs fee'd them their opinion would be for the Seigneurs, and if the tenant fee'd them, the tenant would be assured that he was perfectly in the right. If the Seigneurs were not entitled to the improved value of property who possessed the right? Surely an acre of land on the beach opposite Quebec was worth more than one on the top of Lake Diamond, and yet gentlemen argued one was to yield as much rent as another, and neither more than one penny. If the argument were not infamous it would be laughable.<sup>290</sup>

En outre, les causes de plaintes iront en diminuant graduellement chaque jour. Il n'y a maintenant que 8,000,000 d'acres tenus en censive tandis qu'il y a déjà autant de terres que cela de vendues dans les Townships<sup>291</sup> under free and common soccage.<sup>292</sup> Puis l'île de Montréal est déjà sous l'effet de la loi de commutation, et la seigneurie sur laquelle se trouve élevée la cité de Québec, appartient au gouvernement, en sorte que dans ces localités, les seules à peu-près, où les plaintes aient les couleurs de la vérité et de la justesse, la commutation est facile.—Des 8,000,000 d'acres des seigneuries, 2,000,000 d'acres appartiennent au bien des jésuites.<sup>293</sup> This generation might pass, and another might deem another kind of tenure better and wiser, but the public faith must be preserved; and the vested rights of those who held their property under the free and common soccage must be held sacred.<sup>294</sup> Eh! bien, si on pense devoir objecter aux lods et ventes qu'on les enlève donc sur ces propriétés.<sup>295</sup> With reference to that portion of the public domain, which is at the disposal of the Government, they could make what terms relative to its settlement they might think proper; and if they managed well, society would be laid under obligations in return. Of the immense tracts of land in Lower Canada, he said, but eight millions of acres had been granted as Seignories and, of this, two millions which belonged to the Jesuits, had reverted to the Crown, which instead of being occupied by troops as it is at present, he hoped to see appropriated to its legitimate object--the education of the youth of the country; the effect of which would be to dissipate prejudice, and to induce them to settle and improve the Province. It was quite clear that this was a question of the utmost importance<sup>296</sup>, involving as it did, the invaluable right of property;<sup>297</sup> and ought only to be approached with the utmost care and a strict observance of the rights of property. It was equally--in fact it was indispensably necessary that honesty, good faith and justice ought to actuate all--they should discard all preconceived ideas, and come to the consideration of the question with a determination to search for the truth, each man for himself, and not to pay any attention to the opinions of the lawyer or the advocate, who had imbibed prejudices and contracted a sourness of mind from a remembrance of the causes he had argued and lost.<sup>298</sup> It would be well for hon. gentlemen to consider carefully, the difference between feudal tenure as it once existed, and as it now existed before disturbing it.<sup>299</sup> If that were done, he had no doubt that much good would result from the labours of the Committee, but he warned them not to allow themselves to be carried away by sophistries, or statements which had no foundation, in fact, such as those of the hon. member for Rouville. He did not, however, wish the Committee to take his views without investigation; all that he required was, that they should not allow themselves to be entrapped into an erroneous opinion, but by diligent study, to make such a report as would be a complete and satisfactory settlement of a very



complicated question.<sup>300</sup> He thought the Attorney General (East), who possessed the power of swaying the House and the Government of his country, should look well to this matter for his own honor.<sup>301</sup>

MR. DEWITT said that abuses had existed and did exist, and he would like to see them redressed. It had been said that the Seigneurs had remedied many of the grievances; that might be so since the exposure of the abuses, but he was ignorant of it, and he did know that very great grievances had existed. That they were general and that the great mass of the population had just causes of complaint was certain, and the voluntary statement of the hon. member for Sherbrooke, that in his Seignories, he was but as one man to a thousand, showed the great necessity for a reform. The hon. gentleman spoke for some time longer, but in such a low tone of voice that it was impossible to report him.<sup>302</sup>

COL. PRINCE said, it might appear singular that an Upper Canadian should attempt to give his views on the question, and in doing so to differ from the views expressed by other hon. gentlemen,<sup>303</sup> ((and)) it might be presumptions (sic) for any person to offer an opinion which was adverse to the view held by the head of the Government, especially on a measure relating principally to Lower Canada, but he felt it his duty to protect and assist Lower Canadian members against any infringement of their rights.<sup>304</sup> He was one of those persons who conceived that he was sent there to see justice done to all parties--to the Seigneur as well as to the Censitaire. He would therefore give the committee the full benefit of his legal learning on the subject<sup>305</sup>, acquired in his early days.<sup>306</sup> Yes, hon. gentlemen might smile, for he well knew that learning and common sense were laughed at and obliged to give way to nonsense and badinage, to which he must in truth plead guilty for a very large share. But whenever he was guilty of it, it was only in answer to the nonsense that came from the other side of the House. That, however, ought to be left on one side altogether in the consideration of this question, which was of more importance than any other that could come before them, with the exception of religion. (Hear, hear.) It was a question whether the right of private property should or should not be invaded. It was the preliminary of the Clergy Reserve question. He did not attribute to the Attorney General East any idea of making it a political question, but he warned hon. members from Lower Canada not to make it the harbinger of their votes on the question about to be introduced by the honorable Commissioner of Crown Lands<sup>307</sup>. He considered it an interference with the right of private property, and he would strenuously oppose its passage.<sup>308</sup> (Hear, hear.) Aye, hon. gentlemen might laugh, but laughter was not argument, and he could assure his hon. friend, that motion was the greatest mistake he ever made, and it would be inevitably defeated if his hon. friends from Lower Canada would be as true to him (Mr. Prince) then, as he would be true to them now. (Hear, hear.) This resolution had been introduced with a great deal of simplicity, but there was a great deal contained in it<sup>309</sup>. The language ... conveyed the assurance that there was an intention on the part of the proposed committee to rob the proprietors of those lands of their lawful property.<sup>310</sup> Before he said a word more he should like to ask the Attorney General what right he had to demand from that committee an enquiry into the tenure of private property. He would like to ask him if he knew anything of the tenure of property in England, but indeed he supposed that he did, as he (Mr. P.) had heard that he (Mr. L.) was a well read man, he would ask him then if he knew that the title to the great Bedford Estates was derived from a grant of Harry the Eighth, in exactly the same form in which these titles were granted by that mighty monarch Louis Quatorze, and he would ask him if he supposed that the House of Commons had a right or dared to appoint a committee to enquire into that title. Or did he suppose that they had a right to direct a committee to take steps to deprive the holder of the Bedford Estates of them, by discussing such a resolution as that, for he was bound to

believe, from its wording, that was what was intended. (No, no.) He would read the resolution to them and then defy them to deny it. If he (Mr. L.) admitted that, and he could not do otherwise, he would then enquire by what right it was that he took a step which no man in the English Commons dare venture on. It was necessary to consider the question step by step, and the first thing to enquire was--how were these Seignories obtained? By grant from Louis 14th, the most accomplished monarch of his day, though he was ready to admit, a little tyrannical at times, in right of conquest to certain gentlemen who had distinguished themselves in his service either in a military or civil capacity.<sup>311</sup>

A member on the Ministerial side. Not one was granted by Louis the Fourteenth.<sup>312</sup>

COL. PRINCE continued. Then he was very much mistaken as to the extent of his historical knowledge. However he did not care what king it was, they were granted by the monarch who conquered the country, and most of the nobility of England held their estates by a similar tenure, and in fact so it was in all countries; if a man landed on a desolate island, by the laws of conquest or discovery, by the law of nature he became the owner of that island. These Seigneurs or land-lords, as he would term them, and on the other hand he would call the censitaires--tenants, in order that he might be understood by hon. gentlemen from Upper Canada, received their estates on particular terms, and here he would express his gratitude to the hon. member for Rouville who had paid his side of the House the compliment of speaking in the vulgar tongue generally called English, and he would also express his obligations to the hon. member from St. Maurice, to whom he always listened with great pleasure, for the eloquence, magnanimity, and learning which he had brought to bear on the question. Well these lands were granted by the French king to the Seigneurs, and these Seigneurs or landlords leased them again to their tenants. By the way, that word "Seigneur" reminded him that he was exceedingly astonished when he heard that it was the Attorney General's intention, which he found carried out by this resolution to sweep the Seigneurs away. He had always been a great advocate for the language, laws and institutions of Lower Canada; well he had succeeded in preserving the two first, and yet he was now the man to take the lead in the destruction of their institutions. It was something very unintelligible, and very unlike what he should have expected. If the table had been groaning under the weight of petitions for this measure, he could understand it. It was whispered about certainly that it was a popular question, but he did not choose to form an opinion from whispers, and had therefore taken the trouble to see what petitions there were for it. Well<sup>313</sup>, he took the trouble to go down and find out if there were any petitions in favor of the resolutions of the Attorney General, and he had<sup>314</sup> found on examination that there were exactly two praying for the abolishment of the Seigniorial Tenure, and two or three others praying for some modification of it. That was anything but proof of its being very popular (sic), but if on the contrary there had been petitions signed by 30,000 people praying for its abolishment, he would have paid very little attention to them and for this good reason. He wished it to be understood that he always paid the greatest attention to the prayer of the people, but in this particular case the parties who prayed for the destruction of the seignories were directly interested in obtaining that point, as they were the tenants<sup>315</sup> who felt themselves aggrieved<sup>316</sup>, and what occurred a few days ago in the State of New York, which is always quoted in Canadian legislation, ought to be a sufficient warning of the danger of yielding too far to popular outcries. A gentleman styled there<sup>317</sup>, a Patroon of Albany<sup>318</sup>, holding large estates from his ancestors had been deprived of them by one of the most flagrant acts of injustice ever committed by a court<sup>319</sup> because his tenant had been long allowed to remain without paying rent.<sup>320</sup> It was not at all impossible that the tenants to whom the estates had been awarded had got the ear of the judges<sup>321</sup>. This was, he thought, against



all law; but he mentioned it in order to take the opportunity of begging his friends from Lower Canada not to destroy the only provision made for the clergy of Upper Canada.<sup>322</sup> The result ought to be a warning to hon. gentlemen in the course they were now about to take; returning to the question, he said that the L. Canada Seigniories were like the English Copy-hold Tenures, except that the latter were a great deal more burdensome on the tenants, and he should like to know what man would rise in the English House of Commons and propose a resolution like this for their abolishment. Why it was attempted once by a very ignorant man<sup>323</sup>, who knew no more of law or rights<sup>324</sup>, and his motion was laughed out of the House. It was attempted afterwards over and over again by men fully as ignorant as the first and the question was referred to a select committee who reported on it as being one of the most vicious resolutions ever introduced into Parliament. Yet those Copy-holds existed from the time of Richard the First, and the tenures still remain in force. He did not allude to them because he admired that tenure, but because he admired the respect paid to private right and private property in England and because he wished to see it imitated here. Who ever heard of a minister of the Crown coming down to the English Parliament with a proposal for their destination? Why no one. None but ignorant or unscrupulous men ever attempted it, and as a lawyer and one accustomed to respect the sacred nature of private rights, he would oppose such an attempt here, however great public clamour might be against him, aye even though the Seigneurs<sup>325</sup> in this House were favourable to disturbing the right under which they held their own property, he would guard them against their own acts.<sup>326</sup> He would tell them what they should do. They should go to their tenants, summon them together, represent to them that they had been informed of their grievances, propose terms of accommodation to them, offer to sell them their lands in the form of freeholds, and say if you are desirous of possessing a freehold, let us agree on the price, and I will sell it to you.<sup>327</sup>

MR. ARMSTRONG—It is out of the power of the Seigneur to do so. He cannot sell any land.<sup>328</sup>

COL. PRINCE—It was impossible that any King could ever grant land to a Seigneur without at the same time giving him the power of commuting with his tenants. If that were the case, why did not the Attorney General lay the law on the table, in order that the House might become acquainted with it. It was not to be supposed that gentlemen on his side of the House were all thoroughly conversant with it. It appeared to him perfectly inconsistent with the nature of a grant, that a man should have the right of holding lands without possessing at the same time the right of divesting himself of them. He confessed that he was perfectly astonished that the hon. member for the town of Sherbrooke should be in favor of this resolution. From all that he had said, in fact, until the hon. member for Toronto had asked him the question, he (Mr. Prince) had conceived that the hon. gentleman was dead against it. He could only say, that he would act very differently, if he had the luck to be a rich Seigneur like the hon. gentleman. As he had not, he could only repeat his astonishment at the course taken by him and the hon. member for St. Maurice, who had also acceded to it to a certain extent. He advised them to recall their opinions, and to stand out manfully for their rights. For his part, although he did not mean to stand alone, he would not see a proposition of this kind introduced without giving it his determined opposition. What need was there for it? What arguments were used to support it?<sup>329</sup> Where was the evidence that the subject contained in the resolution of the hon. Attorney General East was "matter of public concern?"<sup>330</sup>

A French member—Look at the Press.<sup>331</sup>

COL. PRINCE was lost in wonder at the idea of a reference to the Press.<sup>332</sup> He ... did not see these public papers on the table; moreover he had no confidence whatever in the press of this country.<sup>333</sup> ((He)) launched, as usual, into a



vehement invective against it, asserting that it gave vent to nothing but "balderdash and lies"<sup>334</sup> and he could place no reliance upon its statements.<sup>335</sup> Now what does that resolution say? Why that this question of the Seigniorial Tenure was a matter of public interest, to which the attention of the Government was necessarily drawn. Was there ever anything more absurd? His attention certainly was never drawn that way. But there was some sense in the resolutions for a new constitution, proposed by his hon. friend for Toronto, and which he had read at five o'clock that morning with a great deal of pleasure. By that resolution for the robbery of a hundred lords of the land, the Attorney General had assumed powers which were altogether unknown to the Khan of Tartary or the Emperor of Russia. Why the Attorney General might just as well bring in a Bill to deprive him of his freehold, or any other man—clerical or lay—of the property in his possession. He could characterize it as nothing else than an act of gross injustice, which ought to meet with the determined opposition of every professional man; and even although two Seigneurs had been found to speak with them in its favor, he would not admit that they were the spokesmen for some ninety-eight others, who had not expressed any opinion in its favor<sup>336</sup> and consequently no hon. member had a right to ask for it.<sup>337</sup> He did not believe that the House should entertain the motion.<sup>338</sup> The last resolution, directing the appointment of a Committee to report on the plans hitherto suggested was just as absurd as the other. He should like to know what those plans were? Were they on the table of that House, in order that he, or the hon. member for the County of Sherbrooke, who, being a young member could not be supposed to know anything about them, might obtain a knowledge of their relative merits or demerits.<sup>339</sup> He was astonished to hear the hon. member for Sherbrooke give his assent to the proposition of the Attorney General, although the governor the bashaw, who reigned supreme. He thought the hon. member was inconsistent with his own speech, and was surprised when he said in answer to a question of the hon. member for Toronto, that he was.<sup>340</sup> For his own part altho' he was an ancient member of that House, who ought to know something of those plans if an opportunity had ever been given him, yet he told them candidly that he knew nothing of them whatever, and even if he did, he would have treated them with disdain except they were supported and sanctioned by petitions from the Seigneurs as well as the Censitaires. Nothing of the kind was visible however, and he warned hon. members from Lower Canada<sup>341</sup>, the owners of corporate property,<sup>342</sup> of the consequences of their recklessly introducing this end of the wedge, for all-powerful as they are now, the hour might come when their strength would be reduced, and through the infirmities of human nature, they would be in opposition—for it was not to be expected that their power would last for ever,—when threefold retribution would be meted out to them, if they now infringed on the sacred rights of private property. All attempts of this kind had failed with one exception, and he deeply regretted to say that was when they consented to the spoliation of the University. Let them be careful that they did not go too far, for as certainly would retribution—and a heavy one—be exacted for their interfering forcibly between landlord and tenant, for that was the footing on which this question must be put. It was true that they attempted to justify that interference by the decision of a learned Judge, who said that the censitaire could not obtain redress in a court of law, and that his only resource lay in an appeal to Parliament. That did not strengthen their position. That was not law, it was only the opinion of a judge, and he could tell the learned judge that Parliament had no right whatever to interfere, and if the Censitaire chose to make a bad bargain, the fault was altogether his own. He would not detain the Committee any longer at that late hour, but conclude with saying that a more futile, imbecile resolution he had never seen laid on the table (hear, hear) and he would ask the profession to which he belonged if they have not a right to expect something clearer and more to the purpose before they ought to be required to form a decision.<sup>343</sup> He would vote against the resolu-

tion.<sup>344</sup>

MR. SOL. GEN. DRUMMOND had listened to the hon. member with pleasure. He had once more been the eloquent defender of the sacred rights of property.<sup>345</sup> ((He)) was delighted at the very great change in the opinions of the hon. member ... who taking a new stand on a sudden, stood forth as the champion of law and order, and the antagonist of socialism.<sup>346</sup> He (Mr. D.) regretted that the hon. member's eloquence was so often diverted by hatred of the Ministry, from its purer stream. He had stood up that night the eloquent defender of vested rights, the sacred rights of property.<sup>347</sup> Would to God that he would persist in that course, and that the stream of eloquence which he poured forth that night, swelling up from the fountain of truth and justice, would have the effect of changing the head-long career of those reckless men, whom he had hitherto urged on to the very brink of ruin, and that the scorn which he expressed, and which ought to find a response in the bosom of every honest man, would prevent in future any allusions to the profession or position of any man in that House as affecting his vote.<sup>348</sup> He could not forbear that tribute to the hon. member. He had also listened with pleasure to the hon. member for Sherbrooke. Notwithstanding what had fallen from the hon. member for Essex, he would vote for the resolutions of the Attorney General.<sup>349</sup> No man on the floor of the House ought to be supposed guilty for one moment of giving an interested vote, but the fact was that those who insinuated such a thing, behind hon. members backs would not dare to say it to their teeth. Now he too was by accident a seigneur, and nevertheless was prepared to follow the line of conduct marked out by the hon. members for Sherbrooke and St. Maurice, and although it was true that<sup>350</sup> there was always danger in<sup>351</sup> any attempt to interfere with private rights, in these times, it was necessary to look also at the danger, which surrounds them; and in order to avoid them, they must inquire into these old rules—see if they are really injurious to the interests of the public—and even inquire whether they are popular or unpopular. (Hear, hear.)<sup>352</sup> He contended for the legality and justness of the title by which Seigneurs held their lands<sup>353</sup> but<sup>354</sup> said their (sic) were popular titles and unpopular titles, and there were some popular prejudices which should be yielded to, by holders of property, although such yielding might result in a pecuniary loss.<sup>355</sup> There were various kinds of danger, and we must take into account the temper of the times, and the popularity of the tenure.<sup>356</sup> Yes, he was prepared to go as far as that; for although he was opposed as much as any man in surrendering everything to popular clamor, he was of opinion, that in this case there was a necessity for it.<sup>357</sup> In truth the country must have peace.<sup>358</sup> Differing, therefore, with those who asserted that the Seigneurs were a set of spoliators, he agreed with them that it was expedient—nay, that it was necessary<sup>359</sup> to yield to the demand for an alteration in the Seigniorial Tenure, and that it should be commuted<sup>360</sup>, and some other system less obnoxious in name, if not in reality, should be substituted in its stead. But the attention of one-half of the members had never been drawn to this subject, and there was danger that both Seigneur and Censitaire might be injured from a want of knowledge, on their part, in legislating on these alleged grievances; for it was not to be supposed that hon. gentlemen from Upper Canada would give it that great degree of attention which it required; or even if they did, that they would succeed in thoroughly mastering it<sup>361</sup> from the absence of information on the subject, which naturally prevailed amongst the W.C. and Eastern township members, and although at the late hour he was speaking, he was reluctant to tresspass (sic) at too great a length on the time of the house, he would endeavour briefly, to correct the very serious errors into which the member for Rouville had fallen<sup>362</sup>. ((That)) hon. gentleman had stated that the maximum of rents had been fixed in the original grants from the Crown. So far from that being the case, it was impossible for the Commissioners, with all their partiality to discover more than one instance in which that statement was borne out by the fact<sup>363</sup>, and that one related to the



Seignorie of the lake of two mountains. Members had been misinformed on this subject, they had been deceived, so he<sup>364</sup> begged ... ((them)) to test the truth of what he asserted by searching for themselves, and not to be misled by the erroneous statements of the honorable member for Norfolk, who pretended that he was fully able to comprehend in the course of one night, a subject that generally cost others years of study.<sup>365</sup> He had a high esteem for that hon. member's talents, but should place but little confidence in the soundness of an opinion founded on his night's labours.<sup>366</sup> And of 240 Seigneuries then, there existed but one in which the rent was fixed.<sup>367</sup>

DR. DAVIGNON here interrupted the learned gentleman, and drew his attention to the edict of 1711.<sup>368</sup>

MR. SOL. GEN. DRUMMOND denied the validity of the hon. member's reasoning on that edict, to which he should come by and by, at present he would consider the titles under which the Seigneurs held their lands, and he was sorry the hon. Member could not distinguish between titles and deeds<sup>369</sup>. The first point to which a lawyer was in the habit of looking was the original title by which lands were held. Now these Seigniories, 240 in number, were granted by the king of France, and granted unconditionally in this form<sup>370</sup> and for the most part in the same words. Subsequently conditions were imposed, such as appearing booted and spurred, before the king<sup>371</sup> of France or his representative<sup>372</sup> to pay fealty and homage<sup>373</sup> at certain periods<sup>374</sup> and next he was required to make a return of his seigniories, his censitaires<sup>375</sup> and the amounts of rents<sup>376</sup> and in short of all the rights he held under the grant.<sup>377</sup> There where (sic) other conditions imposed of a similar nature, the relics of old feudal absurdities, but which were seldom, if ever, complied with, but with one exception, in no case was there an allusion to the maximum of rent.<sup>378</sup> But looking through all these deeds of concession he could not find any condition up to 1633.<sup>379</sup> A grant was made of a certain piece of land bordering on the river; two acres in width, in front, and three acres in depth, and the Seigneur was bound to cede his lands according to the accustomed rent of the country<sup>380</sup>. He differed from hon. members who contended that the Seigneur's title was in Fee-simple<sup>381</sup>. How could it be so? The form of granting lands in this manner was transferred directly from France<sup>382</sup> ((and)) the laws of France specially recognize the principle that no lands exist without a Seigneur. Under the custom of Paris, Seigneurs were bound to concede<sup>383</sup> for a certain rente, the amount of which rente was not fixed by law<sup>384</sup> but not so under the laws of France; and it was the laws of France which were adopted in Canada, and not the custom of Paris, therefore Canadian Seigneurs were not bound to concede.<sup>385</sup> How was it possible to adopt such a rate in transferring the system to a new country where such a change would be altogether improper. He agreed thoroughly in the opinion of the honourable member for Sherbrooke that the ingenuity of man could not devise a better system for the settlement of a new country<sup>386</sup> and he believed that had it not been for the existence of that tenure in Lower Canada, that province would not have progressed one tenth part as fast as it had<sup>387</sup> for in no other case did any nation ever succeed in traversing the ocean and settling the wilderness in full possession of all their laws and statutes, and without forgetting a single point of their civil and religious system. To this much decried and much abused seignorial tenure could such an extraordinary result alone be attributable, and yet the men who had thriven under its influence were now the first to cry aloud for its destruction, although, they must be convinced that but for it, Lower Canada would not have advanced so much as she has done. He understood the smile on the cheek of the hon. member for Kent, and he felt pained at it, for he well knew that Lower Canada had not made any great advances in mercantile wealth, but he could take the hon. gentleman into agricultural districts and ask him to point out any part of the world which surpassed them<sup>388</sup>, but when large



towns and cities spring up, and trade and commerce extend, as was the case in Lower Canada,<sup>389</sup> he acknowledged that this tenure burdened by the lods et ventes, was opposed to the spirit of the age, and the natural desire for progress.<sup>390</sup> For the man who was desirous of leaving the land of his fathers, and changing his mode of life ... the seignorial tenure was a burden, a drag upon his enterprise, and it was on that account he was ready to give his consent to a change, which would not be an injustice to the seigneur, or place the censitaire in a worse position than he occupied at the moment. But at the same time he must caution the Committee against being carried away by the wild views of hon. gentlemen in the House.<sup>391</sup> He was not prepared for spoliation or robbery. If the Censitaire had rights, so had the Seigneur. If justice was to be done to the one, it was no reason why injustice should be inflicted on the other; and if the seigneur must part with what was justly his own, for the purpose of benefitting the community; the community must compensate him.<sup>392</sup> No men, he believed, would be more glad to get rid of the Seignorial tenure, for a fair compensation, than the Seigneurs themselves. The imputations of motives to which they are constantly subjected was so galling that they were willing to make some sacrifice for the sake of peace and to be restored to their position in society.<sup>393</sup> He said that those who abused the tenure had been brought up under it. Canada had prospered under it, as it could not have done without it....<sup>394</sup> He did not agree with the hon. member for St. Maurice<sup>395</sup> that the Seigneurs were absolute proprietors<sup>396</sup> but<sup>397</sup> he could not go so far as the hon. member for Essex, who asserted that the Seigneur was nothing more than a trustee, but he was ready to admit that the Seigneur had a sort of trust reposed in him, but that was solely for the purpose of procuring the settlement of the country, and<sup>398</sup> although they were something more than mere trustees he did say that those who had held the property refusing to grant it, and who have now several miles square, ought to be stripped of it.<sup>399</sup> One Seigneur<sup>400</sup> in the District of Montreal had contravened the law by selling<sup>401</sup> three or four miles square<sup>402</sup> of the finest lands in Canada<sup>403</sup> to his brother, who was now reselling the land at about £20 per farm. This conduct was perfectly atrocious.<sup>404</sup> If any more instances came under his cognizance he should deem it his duty as a law officer of the crown to prosecute<sup>405</sup> and the arret of 1713 was directed against these people.<sup>406</sup> He felt convinced that if the Seigneurs had confined themselves to the old practice there would have been no complaints or petitions, now before the House. Unfortunately however, there were too many Seigneurs who had abandoned that practice and thus enabled ambitious men to make political capital out of their proceedings to the great damage of the rest, and thus many questions which ought never to be brought before Parliament had been made subjects of agitation for instance, the rents and the droits de banalité.<sup>407</sup> But to return to the titles by which the seigneurs held their lands:--he defied any one to point out in any one of them (always excepting that of Two Mountains) a single word about rent. He did not mean about a maximum rent, but a single word about rent at all! Well, in 1710, comes the famous edict of which they had heard so much. He held a copy of it in his hand, and it would doubtless surprise the hon. member for Rouville to be told that that edict said not a word about rent. The hon. member has been deceived by the report of a commission which sat some years since, and which misquoted the edict, and thus had given rise to much shameless misrepresentation. (The hon. gentleman here read the edict alluded to.) Now, where the commissioners discovered their famous quotation about a fixed rent, he could not imagine.<sup>408</sup> The arret of 1713 ... ((said)) that a censitaire might settle on the land of a seignor (sic) a titre de redevance. It did not fix any rate of rente (sic).<sup>409</sup> It merely decided that the seigniors should not sell.<sup>410</sup> If, as hon. gentlemen asserted, Seigneurs compelled their tenants to pay a higher rent than the law enabled them to demand<sup>411</sup>, ((and)) whether rents were fixed or not by the original grants,<sup>412</sup> why was not redress procured from the law. It was a matter for the decision of a Judge and did not properly come

within the jurisdiction of Parliament<sup>413</sup>, and the judges were unanimous in deciding in favour of the seigneurs. The learned gentleman then explained the various seignorial rights, but disclaimed the idea of requiring compensation for any but three, namely, the cens et rentes, the lods et ventes, and the right of Banalite.<sup>414</sup> The droits de banalite were and in reality they formed a very important part of the system, as the Censitaires were generally too poor to construct mills themselves, and the Seigneur was bound to erect (sic) a mill within a limited space of time for the accommodation of his tenants, and as it was always the best mill in the neighbourhood, there could be no great hardship in taking their grain to it.<sup>415</sup>

MR. ARMSTRONG said that the Seigneurs would not allow mills to be built by other parties, although there might be twenty mill sites in the neighbourhood, and that was one great cause of complaint.<sup>416</sup>

MR. SOL. GEN. DRUMMOND continued. To such a pitch had the agitation been carried, and so irritated were the Censitaires in consequence, that the utmost efforts on the part of the Seigneur to conciliate were of no avail. He might treat them with the utmost kindness and indulgence, he might even remit a part of his dues, and yet he was thoroughly hated as an oppressor. The consequence was that no man would be more willing than the unfortunate Seigneur to give up his rights, in order to be relieved from the load of contumely heaped on him on all sides.<sup>417</sup> Contented that there were only three things which belonged to the seignor (sic) in Canada, cens et rentes, lods et ventes, and the droit de banalite, the rest was all empty sound and of very little consequence.<sup>418</sup> But besides the rights of Seigneurs and Censitaires, there was a third class of individuals to<sup>419</sup> take into consideration<sup>420</sup>, and those were the Mortgages;<sup>421</sup> those who held mortgages on the landed property of Lower Canada; and however willing he might be to give up a portion of his rights for the benefit of his countrymen, he felt bound to guard the interests of that class.<sup>422</sup> He was well aware that this was a large class, mortgages on seignories being by no means unusual in Lower Canada. The hon. gentleman concluded a long and able speech by sketching the plan he should propose for compensating the seigneurs<sup>423</sup>, which, he thought, would avoid the present troubles, by the commutation of the existing dues into a constitute with a bureau de consignation, for the reception<sup>424</sup> of a fixed annual rent<sup>425</sup> to be preserved for mortgaged creditors<sup>426</sup> which the censitaire should be at liberty to commute whenever he thought proper.<sup>427</sup> He did not think the seigneurs should themselves be empowered to receive it. He proposed ... that a power should be given to the Censitaire to purchase the land held by him at a fair valuation, by making a calculation to embrace all the farms at the Seignories, and offering a certain sum to be paid at the option of the Censitaire in ten or twenty years, or if he chose never. The hon. gentleman then concluded with a statement of a singular fact, well calculated to disabuse the minds of those hon. gentlemen who had been induced to believe that this system was exceedingly oppressive. In the early part of his life, he had been sent twenty actions to sue out against censitaires, some of whom had not paid a farthing during twenty-five years. Whilst the actions were pending, all the censitaires, with one exception, a worthless individual, paid every penny of the dues, whilst of four men of the same estate who had settled in the neighbouring townships, three were in the course of a few years obliged to give up their farms to the original proprietors, being completely ruined.

The Committee then rose and reported progress and the House adjourned.<sup>428</sup>

(69)

*and after some time spent therein,*

*Mr. Speaker resumed the Chair;*

*And Mr. Johnson reported, That the Committee had made some progress, and*

directed him to move for leave to sit again.

Ordered, That the Committee have leave to sit again, on Tuesday next.

Osgoode Side  
Lines Bill.

Ordered, That Mr. Malloch have leave to bring in a Bill to amend and explain the Act relative to the side lines in the Township of Osgoode.

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time, on Monday, the first of July next.

Orders  
deferred.

Ordered, That the Orders of the day be postponed until Monday next.

Then, on motion of Mr. Laurin, seconded by Mr. DeWitt,  
The House adjourned until Monday next.



APPENDIX: 14 JUNE 1850.

((NOTICE OF MOTION RE: CALL OF HOUSE TO CONSIDER REPRESENTATION  
BILL.))<sup>429</sup>

MR. AT. GEN. BALDWIN gave notice that he would move for the call of the House for this day fortnight, to consider the bill to increase the Representation of the people in Parliament.<sup>430</sup>

FOOTNOTES: 14 JUNE 1850.

1. The following papers reported the debate on this matter in identical accounts: L'AVENIR, 28 June 1850, and JOURNAL DE QUEBEC, 2, 4, 6 July 1850, copied from L'AVENIR. The following papers reported the debate in partially identical accounts: MONTREAL GAZETTE, 18 June 1850, PILOT, 20 June 1850, PACKET, 29 June 1850; EXAMINER, 19 June 1850, and NORTH AMERICAN, 18, 21 June 1850. The debate was also reported by: BRITISH COLONIST, 18 June 1850; MORNING CHRONICLE, 20 June 1850; LA MINERVE, 20 June 1850; JOURNAL DE QUEBEC, 22 June 1850; and L'AVENIR, 19 July 1850. PILOT, 18 June 1850; and L'AVENIR, 22 June 1850, noted the debate. Commentaries appeared in PILOT, 20 June 1850; and L'AVENIR, 19 July 1850.
2. MORNING CHRONICLE, 20 June 1850.
3. EXAMINER, 19 June 1850.
4. MORNING CHRONICLE, 20 June 1850.
5. LA MINERVE, 20 June 1850.
6. JOURNAL DE QUEBEC, 2 July 1850.
7. MONTREAL GAZETTE, 18 June 1850.
8. JOURNAL DE QUEBEC, 2 July 1850.
9. IBID.
10. IBID.
11. MONTREAL GAZETTE, 18 June 1850.
12. JOURNAL DE QUEBEC, 2 July 1850.
13. MONTREAL GAZETTE, 18 June 1850.
14. JOURNAL DE QUEBEC, 2 July 1850.
15. MONTREAL GAZETTE, 18 June 1850.
16. JOURNAL DE QUEBEC, 2 July 1850.
17. MONTREAL GAZETTE, 18 June 1850.
18. JOURNAL DE QUEBEC, 2 July 1850.
19. MORNING CHRONICLE, 20 June 1850.
20. JOURNAL DE QUEBEC, 4 July 1850.
21. MORNING CHRONICLE, 20 June 1850.
22. JOURNAL DE QUEBEC, 4 July 1850.
23. MORNING CHRONICLE, 20 June 1850.
24. JOURNAL DE QUEBEC, 4 July 1850.
25. MONTREAL GAZETTE, 18 June 1850.
26. JOURNAL DE QUEBEC, 4 July 1850.
27. MORNING CHRONICLE, 20 June 1850.
28. JOURNAL DE QUEBEC, 4 July 1850.
29. MORNING CHRONICLE, 20 June 1850.
30. JOURNAL DE QUEBEC, 4 July 1850.
31. MONTREAL GAZETTE, 18 June 1850.
32. JOURNAL DE QUEBEC, 4 July 1850.
33. MONTREAL GAZETTE, 18 June 1850.
34. JOURNAL DE QUEBEC, 4 July 1850.
35. MONTREAL GAZETTE, 18 June 1850.
36. JOURNAL DE QUEBEC, 4 July 1850.
37. MONTREAL GAZETTE, 18 June 1850.
38. JOURNAL DE QUEBEC, 4 July 1850.
39. MONTREAL GAZETTE, 18 June 1850.
40. JOURNAL DE QUEBEC, 4 July 1850.
41. MONTREAL GAZETTE, 18 June 1850.
42. JOURNAL DE QUEBEC, 4 July 1850.
43. MONTREAL GAZETTE, 18 June 1850.
44. JOURNAL DE QUEBEC, 4 July 1850.
45. MONTREAL GAZETTE, 18 June 1850.

46. MORNING CHRONICLE, 20 June 1850.
47. MONTREAL GAZETTE, 18 June 1850.
48. JOURNAL DE QUEBEC, 4 July 1850.
49. MONTREAL GAZETTE, 18 June 1850.
50. JOURNAL DE QUEBEC, 4 July 1850.
51. MONTREAL GAZETTE, 18 June 1850.
52. JOURNAL DE QUEBEC, 4 July 1850.
53. GLOBE, 18 June 1850.
54. JOURNAL DE QUEBEC, 4 July 1850.
55. MONTREAL GAZETTE, 18 June 1850.
56. GLOBE, 18 June 1850.
57. JOURNAL DE QUEBEC, 4 July 1850.
58. IBID.
59. IBID.
60. MONTREAL GAZETTE, 18 June 1850.
61. JOURNAL DE QUEBEC, 4 July 1850.
62. MONTREAL GAZETTE, 18 June 1850.
63. JOURNAL DE QUEBEC, 4 July 1850.
64. MONTREAL GAZETTE, 18 June 1850.
65. IBID.
66. IBID.
67. JOURNAL DE QUEBEC, 4 July 1850.
68. IBID., which commented: "Cette opinion est une erreur légale soit de M. Mongenais, soit du rapporteur qui a pu lui faire dire ce qu'il n'a pas dit, car rien de semblable n'existe dans la loi!"
69. GLOBE, 18 June 1850.
70. NORTH AMERICAN, 18 June 1850.
71. IBID.
72. JOURNAL DE QUEBEC, 6 July 1850.
73. NORTH AMERICAN, 18 June 1850.
74. GLOBE, 18 June 1850.
75. NORTH AMERICAN, 18 June 1850.
76. JOURNAL DE QUEBEC, 6 July 1850.
77. GLOBE, 18 June 1850.
78. IBID.
79. IBID.
80. JOURNAL DE QUEBEC, 6 July 1850.
81. GLOBE, 18 June 1850.
82. NORTH AMERICAN, 18 June 1850.
83. GLOBE, 18 June 1850.
84. LA MINERVE, 20 June 1850.
85. GLOBE, 18 June 1850.
86. MONTREAL GAZETTE, 18 June 1850.
87. GLOBE, 18 June 1850.
88. MONTREAL GAZETTE, 18 June 1850.
89. GLOBE, 18 June 1850.
90. MONTREAL GAZETTE, 18 June 1850.
91. BRITISH COLONIST, 18 June 1850.
92. GLOBE, 18 June 1850.
93. BRITISH COLONIST, 18 June 1850.
94. GLOBE, 18 June 1850.
95. BRITISH COLONIST, 18 June 1850.
96. MONTREAL GAZETTE, 18 June 1850.
97. JOURNAL DE QUEBEC, 6 July 1850.
98. GLOBE, 18 June 1850.
99. JOURNAL DE QUEBEC, 6 July 1850.



100. MONTREAL GAZETTE, 18 June 1850.
101. GLOBE, 18 June 1850.
102. IBID.
103. IBID.
104. MONTREAL GAZETTE, 18 June 1850.
105. GLOBE, 18 June 1850.
106. MONTREAL GAZETTE, 18 June 1850.
107. GLOBE, 18 June 1850.
108. IBID.
109. IBID.
110. NORTH AMERICAN, 21 June 1850.
111. GLOBE, 18 June 1850.
112. NORTH AMERICAN, 21 June 1850.
113. LA MINERVE, 20 June 1850.
114. NORTH AMERICAN, 21 June 1850.
115. LA MINERVE, 20 June 1850.
116. GLOBE, 18 June 1850.
117. JOURNAL DE QUEBEC, 6 July 1850.
118. GLOBE, 18 June 1850.
119. JOURNAL DE QUEBEC, 6 July 1850.
120. NORTH AMERICAN, 21 June 1850.
121. GLOBE, 18 June 1850.
122. JOURNAL DE QUEBEC, 6 July 1850.
123. GLOBE, 18 June 1850.
124. BRITISH COLONIST, 18 June 1850.
125. JOURNAL DE QUEBEC, 6 July 1850.
126. BRITISH COLONIST, 18 June 1850.
127. JOURNAL DE QUEBEC, 6 July 1850.
128. NORTH AMERICAN, 21 June 1850.
129. JOURNAL DE QUEBEC, 6 July 1850.
130. NORTH AMERICAN, 21 June 1850.
131. JOURNAL DE QUEBEC, 6 July 1850.
132. GLOBE, 18 June 1850.
133. JOURNAL DE QUEBEC, 6 July 1850.
134. GLOBE, 18 June 1850.
135. JOURNAL DE QUEBEC, 6 July 1850.
136. GLOBE, 18 June 1850.
137. JOURNAL DE QUEBEC, 6 July 1850.
138. NORTH AMERICAN, 21 June 1850.
139. GLOBE, 18 June 1850.
140. JOURNAL DE QUEBEC, 6 July 1850.
141. IBID.
142. GLOBE, 18 June 1850.
143. IBID.
144. IBID.
145. JOURNAL DE QUEBEC, 6 July 1850.
146. GLOBE, 18 June 1850.
147. BRITISH COLONIST, 18 June 1850.
148. NORTH AMERICAN, 21 June 1850.
149. GLOBE, 18 June 1850.
150. BRITISH COLONIST, 18 June 1850.
151. GLOBE, 18 June 1850.
152. JOURNAL DE QUEBEC, 6 July 1850.
153. NORTH AMERICAN, 21 June 1850.
154. MORNING CHRONICLE, 20 June 1850.
155. NORTH AMERICAN, 21 June 1850.

156. GLOBE, 18 June 1850.
157. JOURNAL DE QUEBEC, 6 July 1850.
158. GLOBE, 18 June 1850.
159. JOURNAL DE QUEBEC, 6 July 1850.
160. BRITISH COLONIST, 18 June 1850.
161. NORTH AMERICAN, 21 June 1850.
162. BRITISH COLONIST, 18 June 1850.
163. NORTH AMERICAN, 21 June 1850.
164. GLOBE, 18 June 1850.
165. JOURNAL DE QUEBEC, 6 July 1850.
166. GLOBE, 18 June 1850.
167. JOURNAL DE QUEBEC, 6 July 1850.
168. GLOBE, 18 June 1850.
169. BRITISH COLONIST, 18 June 1850.
170. GLOBE, 18 June 1850.
171. NORTH AMERICAN, 21 June 1850.
172. JOURNAL DE QUEBEC, 6 July 1850.
173. MONTREAL GAZETTE, 18 June 1850.
174. NORTH AMERICAN, 21 June 1850.
175. MONTREAL GAZETTE, 18 June 1850.
176. NORTH AMERICAN, 21 June 1850.
177. JOURNAL DE QUEBEC, 6 July 1850.
178. GLOBE, 18 June 1850.
179. IBID.
180. IBID.
181. MONTREAL GAZETTE, 18 June 1850.
182. GLOBE, 18 June 1850.
183. MONTREAL GAZETTE, 18 June 1850.
184. GLOBE, 18 June 1850.
185. BRITISH COLONIST, 18 June 1850.
186. NORTH AMERICAN, 21 June 1850.
187. BRITISH COLONIST, 18 June 1850.
188. GLOBE, 18 June 1850.
189. LA MINERVE, 24 June 1850.
190. GLOBE, 18 June 1850.
191. LA MINERVE, 24 June 1850.
192. GLOBE, 18 June 1850.
193. JOURNAL DE QUEBEC, 6 July 1850.
194. LA MINERVE, 24 June 1850.
195. MONTREAL GAZETTE, 18 June 1850.
196. JOURNAL DE QUEBEC, 6 July 1850.
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204. JOURNAL DE QUEBEC, 6 July 1850.
205. LA MINERVE, 24 June 1850.
206. NORTH AMERICAN, 21 June 1850.
207. JOURNAL DE QUEBEC, 6 July 1850.
208. IBID.
209. LA MINERVE, 24 June 1850.
210. JOURNAL DE QUEBEC, 6 July 1850.

211. LA MINERVE, 24 June 1850.
212. JOURNAL DE QUEBEC, 6 July 1850.
213. LA MINERVE, 24 June 1850.
214. BRITISH COLONIST, 18 June 1850.
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237. MONTREAL GAZETTE, 18 June 1850.
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265. JOURNAL DE QUEBEC, 6 July 1850.



266. NORTH AMERICAN, 21 June 1850.
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268. JOURNAL DE QUEBEC, 6 July 1850.
269. MONTREAL GAZETTE, 18 June 1850.
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271. MORNING CHRONICLE, 20 June 1850.
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274. GLOBE, 18 June 1850.
275. BRITISH COLONIST, 18 June 1850.
276. MONTREAL GAZETTE, 18 June 1850.
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312. IBID.
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314. MONTREAL GAZETTE, 18 June 1850.
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- 322. MORNING CHRONICLE, 20 June 1850.
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- 324. MONTREAL GAZETTE, 18 June 1850.
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- 337. BRITISH COLONIST, 18 June 1850.
- 338. MONTREAL GAZETTE, 18 June 1850.
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- 342. MONTREAL GAZETTE, 18 June 1850.
- 343. GLOBE, 18 June 1850.
- 344. MORNING CHRONICLE, 20 June 1850.
- 345. MONTREAL GAZETTE, 18 June 1850.
- 346. GLOBE, 18 June 1850.
- 347. MONTREAL GAZETTE, 18 June 1850.
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- 349. MONTREAL GAZETTE, 18 June 1850.
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- 351. NORTH AMERICAN, 21 June 1850.
- 352. GLOBE, 18 June 1850.
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- 358. NORTH AMERICAN, 21 June 1850.
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- 365. GLOBE, 18 June 1850.
- 366. BRITISH COLONIST, 18 June 1850.
- 367. IBID.
- 368. IBID.
- 369. IBID.
- 370. GLOBE, 18 June 1850.
- 371. BRITISH COLONIST, 18 June 1850.
- 372. NORTH AMERICAN, 21 June 1850.
- 373. MORNING CHRONICLE, 20 June 1850.
- 374. BRITISH COLONIST, 18 June 1850.
- 375. NORTH AMERICAN, 21 June 1850.

376. BRITISH COLONIST, 18 June 1850.
377. NORTH AMERICAN, 21 June 1850.
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379. MORNING CHRONICLE, 20 June 1850.
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392. BRITISH COLONIST, 18 June 1850.
393. NORTH AMERICAN, 21 June 1850.
394. MONTREAL GAZETTE, 18 June 1850.
395. IBID.
396. NORTH AMERICAN, 21 June 1850.
397. MORNING CHRONICLE, 20 June 1850.
398. GLOBE, 18 June 1850.
399. NORTH AMERICAN, 21 June 1850.
400. IBID.
401. MONTREAL GAZETTE, 18 June 1850.
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403. MORNING CHRONICLE, 20 June 1850.
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406. MORNING CHRONICLE, 20 June 1850.
407. GLOBE, 18 June 1850.
408. BRITISH COLONIST, 18 June 1850.
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415. GLOBE, 18 June 1850.
416. IBID.
417. IBID.
418. MONTREAL GAZETTE, 18 June 1850.
419. BRITISH COLONIST, 18 June 1850.
420. GLOBE, 18 June 1850.
421. BRITISH COLONIST, 18 June 1850.
422. GLOBE, 18 June 1850.
423. BRITISH COLONIST, 18 June 1850.
424. MORNING CHRONICLE, 20 June 1850.
425. NORTH AMERICAN, 21 June 1850.
426. MORNING CHRONICLE, 20 June 1850.
427. NORTH AMERICAN, 21 June 1850.
428. GLOBE, 18 June 1850.
429. This notice of motion was reported by: BRITISH COLONIST, 18 June 1850;  
and MONTREAL GAZETTE, 18 June 1850.
430. BRITISH COLONIST, 18 June 1850.



MONDAY, 17 JUNE 1850.

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Peterborough  
and Port Hope  
Railway.

Mr. Speaker laid before the House, a Statement of the Affairs of the Peterborough and Port Hope Railway Company, pursuant to the Act 10 Vic. cap. 109.

Appendix (G.)

For the said Statement, see Appendix (G.)

Petitions  
brought up.

The following Petitions were severally brought up. and laid on the table:--

By Mr. Duchesnay,--The Petition of the Reverend F. Morin and others, members of the Temperance Society of the Parish of Cap Santé.

By Mr. McFarland,--Three Petitions of the Municipality of the Township of Wainfleet; the Petition of the Municipality of the Township of Pelham; the Petition of Leonard Misener and others, of the Township of Wainfleet; and the Petition of the Niagara District Mutual Fire Insurance Company.

By Mr. Taché,--The Petition of the Municipal Council of the Municipality Number one, of the County of Rimouski.

By the Honorable Mr. Chabot,--The Petition of Vital Têtu, Esquire, and others, of the City of Quebec.

By Mr. Davignon,--Two Petitions of Benjamin Ouimet, Esquire, and others, of the Township of Upton, District of Montreal.

By the Honorable Mr. Price,--The Petition of the Ministers and Elders of the Synod of the Presbyterian Church of Canada; the Petition of the Reverend Ira Howay and others, of the Townships of Norwich and East Oxford; and the Petition of the Reverend John Corbett and others, of the Townships of Wakefield and Masham, County of Ottawa.

By Mr. Cauchon,--The Petition of the Very Reverend A. Mailloux and others, members of the Committee of management of the Society for promoting the settlement of wild Lands of the Crown of the County of Bellechasse, and parts of the Counties of Dorchester and Montmorency; and the Petition of the Reverend J. Boucher and others, of the Parish of St. David.

By Mr. Dumas,--The Petition of the Reverend J. Flanagan, Minister, and J. Pangman and A.B. Ervan, Church Wardens of the Church of England, in the Parish of St. Henri de Mascouche; and the Petition of the Reverend A.D. Lockhart and

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others, the Minister, Church Wardens and members of the Church of England in the Parish of St. Lin, County of Leinster.

By the Honorable Mr. Merritt,--The Petition of Barnaby Gregory and others, of the Township of Louth, County of Lincoln; the Petition of the Municipal Council of the united Counties of Lincoln, Haldimand and Welland; and the Petition of Marcus Gurn.

By the Honorable Mr. Macdonald,--The Petition of Thomas Costen, late Head-Keeper of the Provincial Penitentiary; and the Petition of the Common Council of the City of Kingston.

By Mr. Prince,--The Petition of Lewis G. Gordon and others, of Amherstburgh.

Petitions read.

Pursuant to the Order of the day, the following Petitions were read:--

Of G.H. Dumesnil and others, residing on the shore of Lake St. Francis, Parish of St. Anicet; praying indemnification for damages occasioned by the construction of two dams by the Board of Works at the head of the Beauharnois Canal.

Of J.O.A. Turgeon, Mayor, and others, members of the Municipal Council of the County of Terrebonne; praying that the Meetings of the said Council may be held at the Village of Terrebonne instead of Ste. Thérèse, the place where they are now held.

Of L.A. DeRome and others, of the Parishes of St. Paul of the Township of

Kildare, and St. Antoine de Lavaltrie, District of Montreal; praying to be united to the County of Leinster.

Of P.U. Archambault and others, of the Counties of Leinster and Berthier; praying aid to improve and render navigable the River L'Assomption.

Of the Reverend T.L. Brassard and others, of the Parish of St. Paul de Lavaltrie; and of M. Raymond and others, of the Parish of Longue Pointe, County of Montreal; praying the adoption of certain measures for the suppression of intemperance.

Of Richard Watson, of the City of Toronto, builder; praying indemnification for a certain amount expended by him in improving and macadamizing certain sections of the Yonge Street Road.

Of D. Thomas and others, of the District of St. Francis; praying that the Act incorporating the College of Physicians and Surgeons may be further amended, by admitting those to practice in Lower Canada, who have received the Degree of Doctor of Medicine from any Medical College or Institution in the United States.

Of Robert Darling and others, of the Township of Hillier, County of Prince Edward; praying that the Petition of James Pierson and others, for a new survey of the rear line of the third concession of the said Township, be not granted.

Of the Port Credit and Hurontario Plank Road Company; praying that the Act 10 & 11 Vic. cap. 89, may be so amended as to remove all doubts as to the right of the said Company to collect certain rates due by commutation for statute labor.

Of P.T. Donnelly, M.D., and others, of the Township of Moore, County of Lambton; praying for the passing of an Act to close up the Government allowance for Road across the front lots thirty-seven to sixty-five, along the banks of the River St. Clair in the said Township, and to grant the said allowance to the owners of the said Lots, respectively, in lieu of lands more conveniently situated for public use given by them for that purpose.

Of John McIntosh; praying payment of a certain amount due him for Shoes furnished to the Militia under Colonel Kerby during the troubles of 1837.

Of Isaac Titus, of Port Burwell, County of Middlesex; representing that his schooner the "Jane and Eliza" was, in December last, while endeavoring to make for the harbour of Rondeau, wrecked in consequence of the Lights having been out in the Lighthouse of the said harbour; and praying an investigation and relief in the premises.

Of Thomas George Choat and others, of the Townships of Dummer and Douro, County of Peterborough; praying for the just appropriation of the proceeds of the Clergy Reserves and Rectories; retrenchment in Public Expenditure; repeal of the Usury Laws; complete Law reform in forms, proceedings, and fees; election of all Local Officers; vote by Ballot; equal Parliamentary Representation; and Elective Legislative Council.

Of the Municipal Council of the County of Oxford; praying that the proceeds of the Clergy Reserves and Rectories be applied to educational and local purposes; that the law of Primogeniture be abolished; for a complete Law reform; for an equitable Assessment Law; that County Officers be elected; that the Court of Chancery be abolished; that pensions and the pensioning system be discarded; and for a reduction of all public salaries.

Of J. Ostell, President, and others, officers of and on behalf of the Natural History Society of Montreal; praying a certain grant of money in aid of the said Institution.

Of T.R. Tranchemontagne, President, and others, administrators of the Berthier Academy; praying the usual aid in support of the said Academy.

Of Alfred Pinsonneault, President, and William Evans, Secretary, of and on behalf of the Lower Canada Agricultural Society; praying that an enquiry be instituted into the state of Agriculture in Lower Canada, with a view to its amelioration.

Of H.W. Blanchard, Esquire, and others, of Upper Canada; praying for the passing of an Act to restore to the people of Upper Canada the advantages of Medical Toleration.



Of the Quebec Board of Trade; praying that an enquiry be instituted into certain abuses and inconveniences connected with the Trinity Houses of Quebec and Montreal, and that the said Trinity Houses be merged into one establishment at Quebec having the regulation of the whole of the River St. Lawrence below Montreal.

Of John Johnston and others, of the Free Presbyterian Church of Canada, in Brock, Reach and Whitby; praying that the funds accruing from the Clergy Reserve Lands be applied to purposes of general education and improvement, and that there be no further disposal of the said lands until the question is finally disposed of.

Petition of C. F. Pratt and others;

Resolved, That the Petition of Charles F. Pratt and others, of Charlesbourg and other Parishes, County of Quebec, be referred to a Select Committee, composed of Mr. Chauveau, the Honorable Mr. Chabot, Mr. Lemieux, Mr. Taché, and

Mr. Cauchon, to examine the contents thereof, and to report thereon with all convenient speed, by Bill or otherwise; with power to send for persons, papers, and records.

Of B. Lachance and others;

Ordered, That the Petition of Barthelemy Lachance and others, Pilots for and below the Port of Quebec, be referred to the Select Committee to which was referred the Bill to

repeal certain provisions of an Act passed in the last Session of the Provincial Parliament, and intituled, "An Act to consolidate the Laws relative to the powers and duties of the Trinity House of Quebec, and for other purposes," and to exempt Masters of Vessels belonging to the District of Quebec from taking Pilots in certain cases.

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Of J. M'Micking and others;

Resolved, That the Petition of John M'Micking, Esquire, and others, of the Village and neighbourhood of Stamford, County of Welland, be referred to a Select Committee,

composed of Mr. McFarland, the Honorable Mr. Attorney General Baldwin, the Honorable Mr. Price, the Honorable Mr. Macdonald, and Mr. Morrison, to examine the contents thereof, and to report thereon with all convenient speed; with power to send for persons, papers, and records.

Of the Rev. M. Lebourdais and others;

Resolved, That the Petition of the Reverend Messire Lebourdais and others, of the County of St. Maurice, be referred to a Select Committee, composed of Mr. Armstrong, Mr. Guillet, Mr. Fortier, Mr. Bouthillier, and Mr. Dumas, to examine

the contents thereof, and to report thereon with all convenient speed; with power to send for persons, papers, and records.

Of A. Moffatt, and others, referred.

Resolved, That the Petition of Andrew Moffatt, Esquire, and others, of the Township of Orillia, County of Simcoe, be referred to a Select Committee, composed of the Honorable Mr. Robinson, The Honorable Mr. Price, Mr. Boulton of

Toronto, Mr. Seymour, and Mr. Malloch, to examine the contents thereof, and to report thereon with all convenient speed; with power to send for persons, papers, and records.

Swing Bridge over the River Welland.

Mr. McFarland moved, seconded by Mr. Bouthillier, and the Question being put, That the Petition of the Municipal Council of the District of Niagara, praying for the passing of an Act to enable certain Townships, in connection with the Board of

Works, to construct and keep attended a Swing Bridge over the River Welland, be referred to a Select Committee, composed of the Honorable Mr. Merritt, Mr. Wilson, the Honorable Mr. Robinson, Mr. Thompson, and the mover, to examine the contents thereof, and to report thereon with all convenient speed; with power to send for persons, papers, and records; the House divided:--And it passed in the Negative.



Message from  
the Council.

A Message from the Legislative Council, by John Fennings Taylor, Esquire, one of the Masters in Chancery:--  
Mr. Speaker,

The Legislative Council have passed the following Bills, without Amendment, viz.:--

Hamilton Gas  
Light Bill.

Bill, intituled, "An Act to incorporate the Hamilton Gas Light Company:"

Saguenay  
Second Muni-  
cipal Council  
Bill.

Bill, intituled, "An Act to authorize the inhabitant house-holders holding lands in the new settlements on the borders of the Saguenay, forming the Second Municipal Division of that County, to establish a Municipal Council therein, and for other purposes."

And then he withdrew.

Report on Pe-  
tition of J.  
Johnston and  
others.

Mr. DeWitt, from the Select Committee to which was referred the Petition of J. Johnston and others, inhabitants of the Province of Canada, presented to the House the Report of the said Committee; which was read, as followeth:--

On referring to the Journals of Your Honorable House for the Session of 1844-5, Your Committee find that a Bill to the effect contemplated by the Petitioners, rendering a certain proportion of official salaries liable to seizure, was passed by both Houses of the Legislature; but that the Bill being reserved for the Royal Pleasure, was not confirmed by Her Majesty. The reasons which induced Her Majesty's Secretary of State for the Colonies to advise Her Majesty to withhold Her Royal Assent from the said Bill, are to be found in the Journals of Your Honorable House for the Session of 1846 (pages 43 and 44;) and which, on referring to and giving them the best consideration Your Committee can, appear to them unsatisfactory and insufficient for the rejection of a measure so generally called for, and which Your Committee regret to observe they individually know there is but too much cause to insist upon.

Your Committee consequently recommend the introduction of a Bill for the purpose prayed for, rendering however only a certain proportion of the salaries and allowances to Officials in this Province liable to seizure and attachment for their debts.

On motion of the Honorable Mr. Attorney General LaFontaine, seconded by Mr. Solicitor General Drummond,

Montreal Re-  
gistry Bill.

Ordered, That the Amendments made by the Legislative Council to the Bill, intituled, "An Act to extend the period limited for certain purposes in the Montreal Registry Act," be now taken into consideration.

The House proceeded accordingly to take the said Amendments into consideration; and the same were read, as follow:--

Press 1, line 23. After "Act" where it occurs the second time, insert "and this Act."

Press 1, lines 24 and 25. After "whatsoever" insert "and all Commissions issued under the said Act and all things done by the Commissioners shall be valid and effectual."

Press 1, line 27. After "aforesaid" insert "and as if this Act had been passed before the expiration of the period first aforesaid."

The said Amendments, being read a second time, were agreed to.

Ordered, That the Honorable Mr. Attorney General LaFontaine do carry back the Bill to the Legislative Council, and acquaint their Honors, that this House hath agreed to their Amendments.

Petition of the  
Quebec Board  
of Trade.

Ordered, That the Petition of the Quebec Board of Trade be printed for the use of the Members of this House.

Law Practice  
(U.C.)  
Amendment  
Bill.

*Ordered, That Mr. Notman have leave to bring in a Bill to alter and amend the Practice of the several Courts of Law in Upper Canada, and to reduce the Costs of the same.*

*He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time, on Wednesday next.*

MR. SEYMOUR<sup>1</sup> asked leave to introduce a Bill to amend the Act realting to mortgages for Upper Canada. He explained, that it was to provide for the maker of a personal property mortgage signing a declaration that the transaction is bona fide and in good faith.<sup>2</sup>

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Mortgages  
(U.C.) Bill.

*Ordered, That Mr. Seymour have leave to bring in a Bill to alter and amend the Act requiring Mortgages on personal property in Upper Canada, to be filed.*

*He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time, on Monday next.*

Witnesses at-  
tendance Bill.

*Ordered, That Mr. Sherwood of Brockville have leave to bring in a Bill to authorize and enforce the attendance of Witnesses in civil cases, from any part of this Province,*

*before the Courts of Superior Jurisdiction.*

*He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time, on Monday next.*

Fines by Jus-  
tices of the  
Peace (L.C.)

*Resolved, That a Select Committee, composed of Mr. Duchesnay, Mr. Armstrong, Mr. Taché, Mr. Lemieux, and Mr. Jobin, be appointed to enquire and report to this House whether the*

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*Fines imposed by Justices of the Peace in Lower Canada are accounted for and paid over to the proper authorities; with power to send for persons, papers, and records.*

MR. ROBINSON<sup>3</sup> moved for leave to bring in a bill to prevent the payment of any claims under the Indemnity Act of last session, until the information which he moved for the other evening was laid before the House. He stated that in all probability the House would not be in session when the awards of the commissioners were made, and he thought it proper that the House should have information on them before they were paid.<sup>4</sup>

MR. MORIN the SPEAKER rose and read the resolution and no one rising, after waiting rather more than the usual time in the ordinary form, he proceeded to say, "shall this motion be granted"<sup>5</sup>.

There were immediate calls of no, no, yes, yes, from all parts of the house<sup>6</sup>.

MR. W. BOULTON (Toronto) rose to support the motion<sup>7</sup>.

He was immediately called to order, as the question had been put.<sup>8</sup> OR MR. W. BOULTON (Toronto) rose about the same time the question was put, and was on the point of speaking to the question<sup>9</sup>.

There was a cry from the ministerial benches that the question had been put and he could not be heard.<sup>10</sup>

Some excitement was manifested, one party affirming and the other denying that Mr. Boulton rose before the question was put.<sup>11</sup>

MR. SHERWOOD insisted that his colleague should be heard, and said Mr. Boulton had risen before the question was put.<sup>12</sup>

MR. COM. CR. LANDS PRICE asked, how could the hon. member see Mr. Boulton when



his back was turned to him.<sup>13</sup>

MR. MORIN the SPEAKER said, there was no doubt on the question of fact; he had not seen Mr. Boulton before putting the question.<sup>14</sup>

MR. W. BOULTON complained that this was rather sharp practice. The Speaker did not speak good English, but rather broken; and he (Mr. B.) had not heard the motion, that was all. The Ministry might cry him down if they liked.<sup>15</sup>

MR. MCCONNELL had not heard the motion, and asked what it was?<sup>16</sup>

MR. SHERWOOD asked why members should wish to stifle discussion?<sup>17</sup> ((He)) said that they were there as a public body, and for the discussion of public questions.<sup>18</sup> ((He)) complained that there was a conspiracy to prevent all debate.<sup>19</sup> He did not think that a paltry exception of form of that kind should be taken to put down a discussion. He considered it oppressive and tyrannical. It was intolerable.<sup>20</sup> If it would be any violation of the rules of the House for him to refuse to vote he would prefer to be<sup>21</sup> dragged<sup>22</sup> to the bar of the House and to suffer imprisonment<sup>23</sup> for contempt of the House<sup>24</sup> rather than have rights taken from him.<sup>25</sup>

MR. M. CAMERON (Kent) rose in an excited manner<sup>26</sup>. ((Il)) dit que, quand même la question aurait été posée de la manière la plus formelle possible, il ne voit pas pourquoi et de quel droit on proscrirait toute discussion. C'est inconstitutionnel, tyrannique et intolérable<sup>27</sup> and should not be submitted (sic) to.<sup>28</sup> He would never be a party to such a shameful proceeding as crying a member down in that manner.<sup>29</sup> Il est opposé au bill, mais ne veut pas proscrire la discussion.<sup>30</sup>

MR. MORIN the SPEAKER explained that he was sure that he had put the motion before the hon. member rose.<sup>31</sup>

MR. H. SHERWOOD (Toronto) appealed from the decision of the chair. He believed the hon. member should have the right to speak.<sup>32</sup>

The usual ministerial majority, together with the members of the ministry rose to vote against the member's having the right to speak.<sup>33</sup>

While they were standing to give their vote, SIR A. MACNAB and MR. J. CAMERON, of Cornwall, who had just entered, asked for information?<sup>34</sup>

MR. J. CAMERON de Cornwall demanda quelle était la question à décider en premier lieu.<sup>35</sup>

MR. MORIN l'Orateur dit que le vote devait décider si M. Boulton s'était levé avant que la question fut mise aux voix.<sup>36</sup>

SIR A. MACNAB dit qu'il peut produire des autorités pour prouver le droit des hons. membres de parler même après que les votes ont été pris sur la question.<sup>37</sup>

MR. H. SHERWOOD dit: j'ai voté contre le bill de sir Allan McNab sur ce sujet parce que je le désapprouvais, mais si on veut fermer la bouche aux membres par une détermination concertée d'avance, je prendrai sur moi la responsabilité de ne pas voter sur la question. Je m'exposerai plutôt à être traduit à la barre de la chambre et puni comme la chambre le jugera à propos; mais je ne consentirai jamais à me faire partisan de ce baillonnement.<sup>38</sup>

MR. J. CAMERON (Cornwall) desired to state the reasons of his vote on the question of order.<sup>39</sup>

Loud cries of order here arose from the ministerial side.<sup>40</sup>

MR. J. CAMERON maintained the floor. He said that he surely might express his opinion upon that question.--He contended that the hon. member had the right of speaking. He read from Todd's work on Parliamentary practice, to the effect that a member had the right of speaking after the question was put, and after the yeas



had been taken, but not after the nays.<sup>41</sup>

MR. PAPINEAU said that even if the rigid rule was against the member for Toronto, it was the duty of the Speaker<sup>42</sup> when any doubt at all had arisen as to the question, to ask the House to allow him to withdraw his motion.<sup>43</sup>

MR. MORIN the SPEAKER said, that as to the matter of opinion he<sup>44</sup> had<sup>45</sup> believed the hon. member<sup>46</sup> in courtesy if not by rule<sup>47</sup> had the right to speak, although the House adopted a different practice. As to the matter of fact, he was sure that he had put the motion before the hon. member rose.<sup>48</sup>

MR. COM. CR. LANDS PRICE complained<sup>49</sup> that if Mr. Boulton was not in order in speaking after the question had been put by the Chair, he had no right to complain; if he were in order, he (Mr. Price) should not have been prevented from speaking lately after the motion had been put, when every one of the members opposite had denied his right to be heard.... They talk of us gagging them, but it is they who gag us.<sup>50</sup>

SIR A. MACNAB asked him what the question was?<sup>51</sup>

MR. COM. CR. LANDS PRICE refused to state.<sup>52</sup>

SIR A. MACNAB said it was not a case like the present one.<sup>53</sup>

After some further discussion, it was decided to allow the debate.<sup>54</sup>

MR. W. BOULTON (Toronto) did not rise to make a long speech or go deeply into the question.<sup>55</sup> ((He)) complained of the<sup>56</sup> unconstitutional and tyrannical course<sup>57</sup> attempted to be pursued by the government towards the opposition<sup>58</sup> in refusing to allow the introduction of such a bill as that of his hon. friend.<sup>59</sup> He then proceeded to refer to the throwing out of the member for Hamilton's explanatory bill on the Rebellion Losses.<sup>60</sup> He contended that their course was without precedent. £100,000 was to be paid out of the pockets of the people of the Province, and it was proper that the House should have information regarding it. His hon. friend had, the other day, attempted to introduce a bill, and stated that he did not wish to bring back the discussion of the question; but as doubts had arisen regarding the parties who were to receive indemnity, and as the head of the Government<sup>61</sup> et ses conseillers<sup>62</sup> had stated that no rebels were to be paid, he desired certainty.<sup>63</sup> That bill was designed to remove impressions as to the statements made by the head of the Government to the people of Hastings; it has been thrown out, and he (Mr. B.) believed that the statements so made were utterly false and untrue--a serious charge to make against the highest dignitary of the Province.--<sup>64</sup> He (Mr. B.) deemed his hon. friend's bill was necessary to satisfy the country, and protect the head of the Government from suspicions which had arisen relative to his word. The bill recited the Governor's own words, and if they were sincere, he did not see how the Government could refuse his hon. friend's bill.<sup>65</sup> Je sais que ce langage est fort en parlant du gouverneur général; mais, il exprime la seule conclusion à laquelle l'opposition offerte à ce bill me force d'arriver.<sup>66</sup> He protested against the unparliamentary course of preventing the introduction of Bills.<sup>67</sup>

MR. H. SHERWOOD (Toronto).--The information asked for on the subject had been promised by the government, and it would be a farce if<sup>68</sup> the Government should allow an address for the information in question to be passed, and then refuse to allow a bill to be introduced, to refuse the payment of the awards of the Commissioners until the information was laid before the House. He did not wish to<sup>69</sup> enter deeply into the question, and had no wish to<sup>70</sup> bring up again angry discussion, on the Indemnity Act.<sup>71</sup> He could not see what good could be gained by refusing to wait till the names of the claimants were laid before the house; the house had asked for information, of what use would that information be if the claims were paid before they obtained it.<sup>72</sup> He would not sit down in silence, and see an attempt to stifle and put down discussion on a preconcerted plot. He had heard on

Saturday, that an attempt would be made to put down discussion on this bill of his hon. friend.<sup>73</sup> Ministers sat silent and gave no reason for their rejection of the Bill.<sup>74</sup> He thought the course unprecedented, and without a parallel in any Legislature in the world.<sup>75</sup>

MR. COM. CR. LANDS PRICE here rose and denied what Mr. Sherwood had stated relative to the preconceived plan.<sup>76</sup> "That is not true," said Mr. Price.<sup>77</sup> (Sensation.)<sup>78</sup>

MR. H. SHERWOOD was proceeding<sup>79</sup>.

MR. COM. CR. LANDS PRICE rose and said, that he had not intended to say that Mr. Sherwood had said what he knew not to be true, but that the statement was not correct.<sup>80</sup>

MR. H. SHERWOOD.--You are an insolent fellow.<sup>81</sup> (Great excitement.)<sup>82</sup>

Here confusion arose.<sup>83</sup>

MR. MORIN the SPEAKER called order, and hoped no reference would be made to what had just passed.<sup>84</sup>

SIR A. MACNAB thought that if the hon. Member (Mr. Price) had stated what was not true, that he had got the answer he deserved.<sup>85</sup>

MR. COM. CR. LANDS PRICE explained that he had no intention of telling the hon. Member that he had told an untruth; but to assert that there existed no plan to stop discussion.<sup>86</sup>

MR. H. SHERWOOD. Oh, well<sup>87</sup>. ((He)) had understood the hon. member to tell him that he had stated an untruth.<sup>88</sup>

MR. COM. CR. LANDS PRICE in that case would apologise.<sup>89</sup> Mr. Price then apologized. He did not intend to state that the member for Toronto was telling an untruth. But only that the statement that there was concert to put down discussion was untrue; and he repeated distinctly that it was untrue.<sup>90</sup>

MR. H. SHERWOOD was satisfied with the explanation. He went on to condemn the tyrannical course of the ministry, in trying to put down all discussion.<sup>91</sup> ((He)) proceeded to argue that it was contrary to British practice and Republican practice, in the neighboring States, to attempt to stifle discussion. This attempt was the most tyrannical thing ever attempted by any majority in the world.<sup>92</sup> He believed that no attempt, such as had been made today, could be found in the Mirror of Parliament in England, since the days of Charles the first, or second.<sup>93</sup> He did not know how they could expect the country to sustain them. He wished the fact to go to the country.<sup>94</sup> If the people would permit this practice, the government would be reduced to a despotism.<sup>95</sup> ((He)) ... asked what his constituents, who most assuredly never liked the rebellion losses bill much would say, if they heard that ministers intend paying who and what they pleased, even in spite of their declared intentions. If they declined honestly, showing to the country that they had not pledged themselves and Lord Elgin, to something rather the reverse of truth; and, then, when in behalf of himself and those he represented, he desired a little enquiry into the matter that some little check should be established, he was to be told that he was to have no opportunity of expressing his opinions; that the rebellion losses bill was a forbidden subject.<sup>96</sup>

MR. PAPINEAU said, the Bill which was passed last session must be left to its operation, and could not be affected, by the declaration of the Governor-General or of the ministry; nor was this the time for discussing the wisdom or folly of the measure.<sup>97</sup> ((He)) was opposed to the principle of the Bill; but<sup>98</sup> still, upon every principle of constitutional law, and for the protection of rights of the subject, the bill which had been introduced ought to be permitted to be read a first time.<sup>99</sup> He condemned the Ministry in refusing to allow its introduction. He said



that such a course was not parliamentary practice.<sup>100</sup> He trusted the followers of the ministry were not so regardless of what they owed to their constituents and the country, as blindly to follow the dictates of the government.<sup>101</sup> The Ministry denied that they had made an agreement to stifle discussion.<sup>102</sup> There might not be any written or verbal agreement to treat the Bill before the House with studied contempt, but they might act instinctively, and be urged by their fears and servility, and prevent it from being read a first time.<sup>103</sup> They had made such an agreement that if they stood up, their followers stood up, if they sat down the same, if they declared a practice, their followers took it up--if they said foolish things, their followers bawled them out. He contended that they could do nothing more unparliamentary or tyrannical than the refusal to admit the first reading of the bill, and he implored Ministers, for their own sakes, when they would be in opposition, to pause now.<sup>104</sup>

COL. GUGY<sup>105</sup> referred to the opposition which he gave to the Rebellion Losses Bill, as a proof of his desire fearlessly to discharge his duty. But it having become a law he was opposed to the petty warfare which continued to be waged, and should vote against the first reading of the Bill then under consideration, as being only calculated to be productive of evil<sup>106</sup>. ((Il)) demande pourquoi ce bill encore, si ce n'est pour perdre le temps de la chambre, et l'argent du peuple? --Pourquoi retenir par des faillites, les marchands et les cultivateurs dans un temps où leur détention est plus ou moins criminelle? Pourquoi passer le temps à exciter des passions qui ne peuvent produire aucun bien?<sup>107</sup> It could not be expected that the majority of last session would stultify itself by assenting to the present measure, the effects of which would be to neutralise the other, which was no longer under the control of the Legislature. He was therefore prepared to vote against the first reading of the Bill.<sup>108</sup>

MR. ROBINSON did not consider the Act as beyond the control of the House. Bills are frequently introduced to alter and explain Acts that were passed during the preceding, and even during the present Session of Parliament. After the Rebellion Losses Bill had become a law,<sup>109</sup> durant la dernière session, des ministres ont dit dans la chambre haute que<sup>110</sup> it was not intended to remunerate persons who had taken part in the rebellion<sup>111</sup>. Si cela avait été dit plus tôt, il est probable que les événements lamentables de l'an dernier n'auraient pas eu lieu<sup>112</sup> but a Bill introduced by Sir Allan McNab, embodying a similar declaration, had been thrown out on its first reading.<sup>113</sup> Lord Elgin a fait la même déclaration depuis, et je désire maintenant savoir quelles classes de personnes seront payées.<sup>114</sup> He had moved an address upon the subject; and the information asked for had been promised by the government. This had not been produced<sup>115</sup>. J'ai posé différentes questions au procureur-général et d'après ses réponses il paraît que les indemnités et la commission seront payées avant que la chambre en soit informée. C'est pour cela que je voudrais faire passer ce petit bill dans cette chambre.<sup>116</sup> The object of the Bill was to prevent the payment of any sum until such information had been laid before the House, as the report of the Commissioners would not be made before September, when the Legislature would not be in Session.<sup>117</sup>

MR. AT. GEN. BALDWIN replied, that he had given the information the gentleman had asked for.<sup>118</sup> The answer ... was that he did not know of any thing that would prevent the operation of the bill.<sup>119</sup>

MR. M. CAMERON (Kent) condemned the unparliamentary practice of preventing the introduction of bills.<sup>120</sup> Since he had been in Parliament, it had not been the custom to refuse the first reading of bills. He considered the cause arbitrary and tyrannical.<sup>121</sup> As to the bill itself he supposed it was embraced in the title.<sup>122</sup> The House perfectly understood the object of the Bill<sup>123</sup>. The information asked for was, what persons were to be paid? Why nobody could be paid, but those that the bill provided for: persons who had suffered "just losses."<sup>124</sup> He was glad of stating, that after all which had been said or written about the object of the Bill



of last session, he was then more fully satisfied than ever that it was a just measure; and persons who at that time were excited by the public press were now astonished at having been misled. The Commissioners, he was satisfied, were determined to do their duty fairly and faithfully, and ought not to be hindered a single day.<sup>125</sup> Those who thought that bill was a just one ... would of course vote against (sic) the bill.<sup>126</sup>

MR. H. BOULTON (Norfolk) said that notwithstanding all the bad feeling that had been got up on the subject, he was of opinion that<sup>127</sup> the Indemnity Act had done more good to this Province, than any other act which had ever been passed<sup>128</sup> by extorting from the home government an acknowledgement of the right of the Canadian Legislature to manage the local affairs of the Province.<sup>129</sup> The hon. member contended that<sup>130</sup> the effect of the opposition and of the appeals to England<sup>131</sup> stirred up the people and led them narrowly to review their system of government. It had weaned them from old prejudices, and made them desire self government.<sup>132</sup> As to the Bill then under consideration, it ought to be read a first time unless it contained something unparliamentary and absurd. To prevent the first reading of a Bill on any other account was an arbitrary and tyrannical exercise of power. He was in favor of the Bill, as without some such check, the money might be all expended before the information that was desired was laid before the House.<sup>133</sup>

DR. BOUTHILLIER<sup>134</sup> était un de ceux qui avaient voté pour la translation du gouvernement et il l'avait fait dans un tems (sic) même où l'on donnait à entendre qu'on était exposé personnellement en le faisant; mais il avait agi ainsi, parce qu'il croyait que le parlement ne devait jamais être sous l'influence d'une populace excitée. Il voyait clairement aujourd'hui qu'on voulait créer de l'excitation populaire et il n'hésitait pas à dire que si l'on faisait encore une semblable tentative, il était prêt à donner son vote en faveur du retour du gouvernement à Montréal.<sup>135</sup>

MR. J. CAMERON (de Cornwall) croyait devoir affirmer, après ce qu'avait dit le membre pour St. Hyacinthe,<sup>136</sup> that if it were attempted to stifle discussion in that House, that they would raise<sup>137</sup> ten times more excitement<sup>138</sup> in Upper Canada, than had been raised in Lower Canada by the discussion of the Indemnity Bill.<sup>139</sup> He said he should like to know why the members opposite were opposed to the introduction of the Bill<sup>140</sup>. It had been stated by the head of the government, and by members of the ministry, both in the Upper and Lower Houses, that it was not the intention of the government to pay rebels. It had also been stated in England. If such were the case, and if Ministers were sincere in that declaration, he thought that they should be willing to have his hon. friend's motion passed as a protection to them. He asked members of the Ministry,<sup>141</sup> the Attorney General<sup>142</sup>, presuming that they were sincere, if they were willing to take upon themselves the responsibility of paying the awards of the commissioners before they had been submitted to the House<sup>143</sup>, whether that was the object in wishing to stifle the motion.<sup>144</sup> If it were not the intention of Government to pay rebels, then there was no harm in allowing the bill to be read a first time, and even in allowing it to become a law. He was desirous of knowing from the gentlemen opposite, what was the reason they would not allow the Bill to be read a first time.<sup>145</sup>

MR. ROSS said it were (sic) idle to talk of stifling discussion, when speeches upon every subject had been made on every possible occasion.<sup>146</sup> ((He)) denounced the object of introducing the bill<sup>147</sup> ((and)) denied that he was a party to any plan to stifle discussion.<sup>148</sup> Je ne sais si on s'est entendu pour arrêter les débats, mais s'il y avait une telle entente, j'y applaudirais.<sup>149</sup> This was the second attempt to get up an excitement, and because a discussion would not be permitted after the question was put, the majority were taunted with wanting to stifle discussion.<sup>150</sup> Comme je n'étais pas en chambre l'an dernier, je vais exposer mes vues sur le bill d'indemnité.<sup>151</sup> The Act of last Session provided for the payment of losses sustained, by property being unnecessarily and wantonly destroyed. He

would take an extreme case--that of a man who was in arms against his Queen at the time; and although it would be an act of hardihood on the part of such a man to apply for remuneration of property destroyed by lawless incendiaries<sup>152</sup> je prétends qu'une personne qui aurait combattu à St. Denis devrait être indemnisée, si elle a eu des propriétés détruites inutilement dans d'autres places de la province. C'est la loi<sup>153</sup> and in making his claims might plead the act of Indemnity and her Majesty's pardon.<sup>154</sup> He admitted that those who raised their arms against the Queen's troops were traitors. He contended that the case of Dr. Nelson was an exception, as he had received the pardon of the Sovereign. He reverted to the statements of the Ministry that rebels were not to be paid. He considered the Courts of Justice the proper test.<sup>155</sup> Nor was it in the power of military men or volunteers to assume the prerogative of courts of law.<sup>156</sup> On a dit que nul rebelle ne devra être payé d'après certaines déclarations. J'aimerais à savoir cependant, dans quelle partie du bill il est dit que nul rebelle ne sera payé; on a parlé de la grande excitation que ce bill a causée, mais il est certain que l'excitation a commencer à être aussi grande sur la question Vansittart que sur celle-là.<sup>157</sup> In recording his vote against the first reading of the bill, he wished to state his reason for so doing. It would be productive of no good, and should be stifled in its conception; the object of introducing it was well understood both in the House and by the public.<sup>158</sup>

MR. G. SHERWOOD of Brockville was surprised at hearing such doctrine as had just been advanced by the member for Megantic, that a person who had been engaged in rebellion should be remunerated because his house was burnt.<sup>159</sup> ((He)) thought the hon. member's arguments the most extraordinary that he had ever heard. He thought it strange that the hon. member should contend that those who raised their arms against the troops were traitors, and that the leader of these should be paid because he had been pardoned.<sup>160</sup> The member who had just sat down did not understand the people of Upper Canada. There was a feeling that this bill ought not to go into operation.<sup>161</sup> The motion of his hon. friend, he believed, in place of creating excitement, would do more than anything else could to allay excitement.<sup>162</sup> Il y aura plus de mouvement désagréable parmi le peuple, si on empêche la discussion, qu'il n'y en aurait si on lui laissait son cours libre.<sup>163</sup> It was the knowledge of the fact, that the leader of the rebels was to be paid that caused so much discontent in the country.<sup>164</sup> He denied that there was any clause in the Bill to prevent the payment of rebels. Will any one of the gentlemen on the treasury benches get up and say there was no intention to pay rebels. No; they would do nothing of the kind; they would say the Bill was passed and must take its course.<sup>165</sup> The hon. member urged that the Ministry should support their bill if their professions were sincere.<sup>166</sup> He referred to the origin of the Bill which was preceded by one of a general amnesty, which passed the House unanimously; and then without any intimation from the members of Government or in the speech of the Governor General, resolutions upon which the Bill was founded were introduced by the Attorney General, and the measure was carried through with an indelicacy that was highly improper; and consequently, there was no propriety in passing a Bill to restrain its operations.<sup>167</sup>

MR. AT. GEN. BALDWIN was satisfied there should be no<sup>168</sup> discussing the Indemnity Bill of last Session<sup>169</sup> as far as the public are concerned, and which would only lead to renew angry feelings; and as far as he could judge, such seemed to be the determination of the House. With reference to the Bill of last Session, he would merely say that the members of the Government<sup>170</sup> would unhesitatingly adhere to the declaration they had made in the House<sup>171</sup> and out of it, to the views the Government entertained last session, and the statements which had been made by the Ministry relative to the Indemnity Act, then and since, as well as those which he had advised the Government to make in answer to addresses.<sup>172</sup> As to any desire to stifle or gag discussion as it had been termed, no imputation, he said, could be more unjust. The opposition arose upon a question of order, in



consequence of a member rising to address the House after the motion had been put. As a good deal had been said relative to rejecting Bills on their first reading<sup>173</sup> he contended that it was not an unusual course to refuse the admission of a bill.<sup>174</sup> He had found a number of precedents, which he quoted, which embodied a variety of Bills of all classes, both public and private.<sup>175</sup> He read over a list of ten between the years 1820 and 1830. Some of these were, to take off the duty from foreign wool, to repeal the stamp act, a bill relative to cruelty to animals, and the reform bill in 1830.<sup>176</sup>

SIR A. MACNAB denied that the precedents were applicable<sup>177</sup>. The precedents which the Attorney General had read over were cases in which it was quite likely that permission should not be given to introduce bills. He had instanced a bill to repeal the stamp act: another, a money bill, to repeal the duty on foreign wool. The others were of a similar character.<sup>178</sup> They were money bills for altering the constitution, and being of that nature, they were such as would naturally be rejected at their first reading; but they were not such precedents as we could be guided by.<sup>179</sup> He referred to the manner in which the Rebellion Losses Bill had been passed last Session, after the House had unanimously agreed to a Bill of Indemnity. The Attorney General said the members of Government adhered to the views they formerly entertained; but he did not see what those views were.<sup>180</sup> He would like to ask the hon. Attorney General what his views were, which he had stated that he had arrived at after mature consideration, and which he could adhere to, both in the House and out of the House. He would wait for a reply, and sat down.<sup>181</sup>

MR. AT. GEN. BALDWIN made no reply.<sup>182</sup>

SIR A. MACNAB went on to complain that the Amnesty Act had been obtained by stealth, for the purpose of introducing the Indemnity Bill of the last session.<sup>183</sup> He wished to get the opinion of the Attorney General West respecting the payment of rebels.<sup>184</sup>

MR. AT. GEN. BALDWIN had already given his opinion.<sup>185</sup>

SIR A. MACNAB denied that the Attorney General had given any opinion.<sup>186</sup> The Government was all wrapt up in mystery now, as last year<sup>187</sup> et ... approuve les vues de M. Ross et celles de M. Boutillier puisqu'il ne les a pas désavouées<sup>188</sup>. The member for Megantic had given an opinion that since a general amnesty had been passed, it was right to pay rebels who had their property destroyed. That member was a supporter of the Government and no doubt spoke their views. He (Sir Allan) would burn their houses and drive them out of the country when he found parties in open rebellion. He then referred to the change in Col. Gugsy's conduct and opinion since last Session<sup>189</sup>. He regretted the course the hon. member from Sherbrooke had taken. That hon. member last session had used to make speeches of eight or ten hours together against the bill. He had no doubt the hon. member had a right good reason for the course he had taken.<sup>190</sup>

COL. GUGY said that he had.<sup>191</sup> Je défie l'hon. membre de dire que je n'ai pas été guidé par les meilleurs motifs.<sup>192</sup>

SIR A. MACNAB had no doubt that he had a right good reason. He should like to know it, and perhaps he too might then think it so (laughter.)<sup>193</sup>

COL. GUGY, with temper, repelled the insinuations that the hon. member was desirous of making against him.<sup>194</sup>

SIR A. MACNAB did not doubt that the hon. member had good reasons. He had no doubt the reasons would be satisfactory to the hon. member himself (laughter.) The hon. and gallant gentleman here read from a Parliamentary work, the title of which he did not state, to the effect that it was not the custom at the first reading of a bill to speak to it; yet that it was not entirely without precedent,



but very seldom took place, and only in cases where the bill was of a hurtful nature. His hon. friend's bill was not of that character. The course of the administration was tyrannical and unprecedented. He had been accused of getting warm on the Indemnity Bill last session. He had only to say, that he believed that he was doing his duty to his country, and had no reproach to make himself for the course he had then taken<sup>195</sup> and his conduct had been approved by a large portion of the<sup>196</sup> best men in the country.<sup>197</sup> He was not going to discuss the question again. He believed that the bill of his hon. friend should be passed.<sup>198</sup>

MR. PAPINEAU said the hon. Attorney General should have explained the precedents that he had attempted to give, and not have involved them in mystery. The bills the hon. member had alluded to were money bills, or had reference to the franchise; and resolutions were to be necessary to be passed before such bills could be introduced in the House. He had only mentioned one bill, the cruelty to animals bill, that could bear any show of precedent to their course, which he (Mr. P.) believed was as unparliamentary and unprecedented as it was tyrannical.<sup>199</sup>

COL. PRINCE saw nothing so obnoxious in the Bill as to prevent its being read a first time.<sup>200</sup> He considered the bill of his hon. friend contained a very modest request. If there were faith to be placed in the words of the Governor and the Ministry, he did not see that they could refuse the hon. member's bill. But he did not believe that they were sincere in the allegations that they made, that they did not intend to pay rebels.<sup>201</sup> ((He)) thought it suspicious that the Attorney General West would give no answer when asked if there was an intention to pay rebels; if they did not he could not see why they should be opposed to the introduction of the bill.<sup>202</sup> Lord Lyndhurst, in the debate in the House of Lords, regretted that the amendment of last year, to a similar effect, had not been passed. The object is to say who shall be paid, and who shall not be paid, as no control could otherwise be exercised by the House, which would not meet till after September, when the report of the Commissioners would be made. The Attorney-General (Mr. Baldwin) had referred to precedents, but had only been able to produce ten, in ten years, in the British House of Commons, of Bills having been rejected on a third reading.<sup>203</sup> Just one bill a year ... rejected by a Parliament numbering more than 600 members; but here ... already<sup>204</sup> this petty parliament had refused the introduction of more than half-a-dozen bills this session<sup>205</sup>. He deeply regretted that a ministry who had rendered the Governor General most unpopular, should endeavor to increase their own unpopularity by endeavoring to stifle a Bill which was rendered necessary by the want of information.<sup>206</sup>

COL. GUGY rose to answer some insinuations<sup>207</sup> of Sir A. McNab, that he had some private interests<sup>208</sup> that impelled him to take a course so widely different from that he took last Session. He denied that he was actuated by hopes of Ministerial or Vice-Regal favour.<sup>209</sup> He stood there perfectly independent of the Governor-General in a pecuniary point of view--and also of the Administration<sup>210</sup>. Il en appelle à sa conduite durant la dernière session. Il reproche à l'hon. membre pour Cornwall d'avoir été absent au temps de la discussion. Il lui dit, dans le langage de Henri IV: "Brave Crillon, nous avons combattu et vous n'y étiez pas." Il lui reproche de plus d'avoir fait partie d'une administration qui s'est perdue par son incapacité et son manque de bonne foi.<sup>211</sup> They would sacrifice the interests of the country to their own personal advantage<sup>212</sup>. If he had made long speeches last session, it had been at the<sup>213</sup> spéciale<sup>214</sup> request of the gallant knight, whom all the country knew he had blindly followed. It had caused him pain to leave his late friends. He had done so because he saw violence, and incompetency, and a desire to disturb the peace of the country for their own personal aggrandisement<sup>215</sup> and who, owing to their ignorance and incompetence, he would oppose as long as he had a seat in the House.<sup>216</sup>

SIR A. MACNAB denied that he had requested the hon. member to make long speeches.<sup>217</sup>

COL. GUGY said he had asked him to speak while he went to dinner.<sup>218</sup>

SIR A. MACNAB had very seldom gone to dinner at all during that debate. He would still like to know the hon. member's reasons for changing his opinion?<sup>219</sup>

MR. WILSON.--Je voterai contre la première lecture de ce bill, non pas que j'aie changé d'opinion sur le bill des pertes de la rébellion, mais parce que je trouve que c'est la coutume en Angleterre de rejeter les bills, sous certaines circonstances; et ces circonstances sont ainsi exprimées:--"A la première lecture du bill, personne n'a l'habitude de parler sur le sujet, cependant il y a des cas où on a parlé pour et contre un bill à sa première lecture; ce qui arrive très rarement; et seulement dans les cas où les bills sont évidemment impropres et nuisibles au bien public, et pas la même indignes d'occuper la chambre même un instant."<sup>220</sup>

(72)

Claims under  
the Indemnity  
Bill (L.C.)

*The Honorable Mr. Robinson moved, seconded by Mr. Boulton of Toronto, and the Question being put, That leave be given to bring in a Bill to prevent the payment of any Claims under the Indemnity Act of last Session, until certain information moved for is laid before the Legislative Assembly of this Province;*

*The House divided: and the names being called for, they were taken down, as follow:--*

YEAS.

*Messieurs Badgley, Boulton of TORONTO, Cameron of CORNWALL, Cayley, Christie, Sir Allan N. MacNab, McConnell, McLean, Meyers, Papineau, Prince, Robinson, Seymour, Sherwood of BROCKVILLE, Sherwood of TORONTO, and Stevenson.--(16.)*

NAYS.

*Messieurs Armstrong, Attorney General Baldwin, Bell, Bouthillier, Burritt, Cameron of KENT, Cartier, Cauchon, Chabot, Chauveau, Davignon, DeWitt, Solicitor General Drummond, Duchesnay, Dumas, Fergusson, Flint, Fortier, Fournier, Fourquin, Gagy, Guillet, Hincks, Holmes, Jobin, Johnson, Lacoste, Attorney General LaFontaine, LaTerrière, Laurin, Lemieux, Solicitor General Macdonald, Marquis, Merritt, Méthot, Mongenais, Morrison, Notman, Polette, Price, Richards, Ross, Sanborn, Scott of BYTOWN, Scott of TWO MOUNTAINS, Taché, Viger, and Wilson.--(48.)*

*So it passed in the Negative.*

MR. W. BOULTON (Toronto) rose to move certain resolutions, with a view to an Address to Her Majesty, on the subject of amending the constitutional act<sup>221</sup>, and which he said, he intended referring to the Standing Committee on the Revenue and Expenditure of the Province.<sup>222</sup> He thought the time had come for altering the constitution in such a way as to make the different branches work in harmony and be in accordance with the wants and wishes of the people. He believed that not only a vast majority of the people, but that also a majority of the ministry were in favour of an extension of the elective principle. He believed that the adoption of the elective principle would tend to perpetuate the connection of Canada with Great Britain; and no one more than himself desired the continuance of that connection. The Colonial Reform Association in London, a most patriotic society, has stated that the time has come for giving the colonies the power to govern themselves. From the statements of Lord John Russel (sic) it was clear that England was willing to assent to an extension of the elective principle in the colonies. Lord John had gone further, and said we might have power to regulate all our own affairs, and to alter the constitution. It was perfectly absurd to suppose that we could stand still; we must keep moving.<sup>223</sup>

(72)

*Notice being taken that there was no Quorum:--The names of the Members present were taken down, as follow:--*

Mr. Speaker,

Messieurs Attorney General Baldwin, Boulton of NORFOLK, Boulton of TORONTO, Cayley, DeWitt, Hincks, Holmes, Laurin, Macdonald of KINGSTON, McFarland, McLean, Meyers, Papineau, Price, Prince, Robinson, Stevenson, and Viger.

And at ten minutes past eight o'clock, P.M., the House was adjourned by Mr. Speaker, without a Question first put, till to-morrow.



((NOTICE OF MOTION RE: BANKING BILL.))<sup>224</sup>

MR. COM. PUB. WORKS MERRITT gave notice of his intention to introduce a Bill to establish a general system of banking.<sup>225</sup>

((NOTICE OF MOTION RE: ADDRESS FOR CORRESPONDENCE ABOUT L.J. PAPINEAU'S SALARY AS A COPYIST IN PARIS ARCHIVES.))

DR. FORTIER a donné avis ... qu'il demanderait (sic) demain copie d'une correspondance qui a eu lieu entre le gouvernement et M. Papineau, au sujet d'une certaine somme d'argent confiée à ce dernier lorsqu'il était à Paris, et au moyen de laquelle somme il devait faire copier les documents historiques qui sont maintenant la propriété de la "société littéraire et historique de Québec."<sup>226</sup>

((WITHDRAWN NOTICE RE: COURT OF CHANCERY.))<sup>227</sup>

COL. PRINCE said he should withdraw the notice which he had given of a Bill to abolish the Court of Chancery. After the decided expression of opinion by the House on his resolution in amendment to the address on the same subject, he did not desire to waste time in discussing a Bill. He had, too, carefully examined the new rules of Court, and was disposed to give them a trial.<sup>228</sup> He had no hesitation in saying that if they were properly carried out ... they would do much to forward justice, and at a very reduced cost.<sup>229</sup>

((QUESTION AND ANSWER RE: LOWER CANADA EDUCATION ACT.))<sup>230</sup>

MR. MCCONNELL ((made)) an enquiry.<sup>231</sup>

MR. AT. GEN. LAFONTAINE said it was not the intention of Government to amend the present, or to introduce a new School Bill for Lower Canada.<sup>232</sup>

((QUESTION AND ANSWER RE: COMMISSION OF ENQUIRY ON KING'S COLLEGE.))<sup>233</sup>

MR. H. SHERWOOD ((made)) an enquiry<sup>234</sup>.

MR. AT. GEN. BALDWIN said the Government had not got a formal answer from King's College respecting certain statements relative to the Commission of enquiry into the affairs of King's College; but he had learned from one of the Secretaries that the information would be forthcoming.<sup>235</sup>

FOOTNOTES: 17 JUNE 1850.

1. The following papers reported this speech in identical accounts: GLOBE, 18 June 1850, PILOT, 22 June 1850, KENT ADVERTISER, 27 June 1850, and PACKET, 29 June 1850.
2. PILOT, 22 June 1850.
3. The following papers reported the debate on this matter in identical accounts: EXAMINER, 19 June 1850, NORTH AMERICAN, 21 June 1850; GLOBE, 18 June 1850, HAMILTON SPECTATOR, 19 June 1850, PILOT, 22 June 1850, and KENT ADVERTISER, 27 June 1850. The debate was also reported by: BRITISH COLONIST, 18 June 1850; HAMILTON SPECTATOR, 19 June 1850; MONTREAL GAZETTE, 21 June 1850; MONTREAL TRANSCRIPT, 22 June 1850; PILOT, 22 June 1850, in an original account and in a second account copied from GLOBE, 18 June 1850; and LA MINERVE, 24 June 1850. Commentaries appeared in: HAMILTON SPECTATOR, 19 June 1850, MORNING CHRONICLE, copied from HAMILTON SPECTATOR; and JOURNAL DE QUEBEC, 22 June 1850.
4. MONTREAL GAZETTE, 21 June 1850.
5. HAMILTON SPECTATOR, 19 June 1850.
6. IBID.
7. IBID.
8. IBID.
9. NORTH AMERICAN, 21 June 1850.
10. IBID.
11. IBID.
12. HAMILTON SPECTATOR, 19 June 1850.
13. IBID.
14. IBID.
15. MONTREAL GAZETTE, 21 June 1850.
16. IBID.
17. HAMILTON SPECTATOR, 19 June 1850.
18. MONTREAL GAZETTE, 21 June 1850.
19. NORTH AMERICAN, 21 June 1850.
20. MONTREAL GAZETTE, 21 June 1850.
21. NORTH AMERICAN, 21 June 1850.
22. MONTREAL GAZETTE, 21 June 1850.
23. NORTH AMERICAN, 21 June 1850.
24. HAMILTON SPECTATOR, 19 June 1850.
25. NORTH AMERICAN, 21 June 1850.
26. MONTREAL GAZETTE, 21 June 1850.
27. LA MINERVE, 24 June 1850.
28. HAMILTON SPECTATOR, 19 June 1850.
29. MONTREAL GAZETTE, 21 June 1850.
30. LA MINERVE, 24 June 1850.
31. MONTREAL GAZETTE, 21 June 1850.
32. IBID.
33. IBID.
34. IBID.
35. LA MINERVE, 24 June 1850.
36. IBID.
37. IBID.
38. IBID.
39. MONTREAL GAZETTE, 21 June 1850.
40. IBID.
41. IBID.
42. HAMILTON SPECTATOR, 19 June 1850.
43. MONTREAL GAZETTE, 21 June 1850.

44. IBID.
45. HAMILTON SPECTATOR, 19 June 1850.
46. MONTREAL GAZETTE, 21 June 1850.
47. HAMILTON SPECTATOR, 19 June 1850.
48. MONTREAL GAZETTE, 21 June 1850.
49. IBID.
50. HAMILTON SPECTATOR, 19 June 1850.
51. MONTREAL GAZETTE, 21 June 1850.
52. IBID.
53. IBID.
54. IBID.
55. HAMILTON SPECTATOR, 19 June 1850.
56. NORTH AMERICAN, 21 June 1850.
57. MONTREAL GAZETTE, 21 June 1850.
58. NORTH AMERICAN, 21 June 1850.
59. MONTREAL GAZETTE, 21 June 1850.
60. HAMILTON SPECTATOR, 19 June 1850.
61. MONTREAL GAZETTE, 21 June 1850.
62. LA MINERVE, 24 June 1850.
63. MONTREAL GAZETTE, 21 June 1850.
64. HAMILTON SPECTATOR, 19 June 1850.
65. MONTREAL GAZETTE, 21 June 1850.
66. LA MINERVE, 24 June 1850.
67. NORTH AMERICAN, 21 June 1850.
68. IBID.
69. MONTREAL GAZETTE, 21 June 1850.
70. HAMILTON SPECTATOR, 19 June 1850.
71. MONTREAL GAZETTE, 21 June 1850.
72. HAMILTON SPECTATOR, 19 June 1850.
73. MONTREAL GAZETTE, 21 June 1850.
74. HAMILTON SPECTATOR, 19 June 1850.
75. MONTREAL GAZETTE, 21 June 1850.
76. IBID.
77. MONTREAL TRANSCRIPT, 22 June 1850.
78. BRITISH COLONIST, 18 June 1850.
79. HAMILTON SPECTATOR, 19 June 1850.
80. IBID.
81. IBID.
82. BRITISH COLONIST, 18 June 1850.
83. MONTREAL GAZETTE, 21 June 1850.
84. HAMILTON SPECTATOR, 19 June 1850.
85. MONTREAL GAZETTE, 21 June 1850.
86. IBID.
87. HAMILTON SPECTATOR, 19 June 1850.
88. MONTREAL GAZETTE, 21 June 1850.
89. IBID.
90. NORTH AMERICAN, 21 June 1850.
91. IBID.
92. MONTREAL GAZETTE, 21 June 1850.
93. NORTH AMERICAN, 21 June 1850.
94. MONTREAL GAZETTE, 21 June 1850.
95. NORTH AMERICAN, 21 June 1850.
96. BRITISH COLONIST, 18 June 1850.
97. HAMILTON SPECTATOR, 19 June 1850.
98. MONTREAL GAZETTE, 21 June 1850.
99. HAMILTON SPECTATOR, 19 June 1850.



100. MONTREAL GAZETTE, 21 June 1850.
101. HAMILTON SPECTATOR, 19 June 1850.
102. MONTREAL GAZETTE, 21 June 1850.
103. HAMILTON SPECTATOR, 19 June 1850.
104. MONTREAL GAZETTE, 21 June 1850.
105. According to BRITISH COLONIST, 18 June 1850, "Col. Gagy made a plaintive speech to account for his support of ministers. His voice trembled, he all but wept, whilst imploring the House to listen to his seductive eloquence. All the ministers and their supporters were silent."
106. HAMILTON SPECTATOR, 19 June 1850.
107. LA MINERVE, 24 June 1850.
108. HAMILTON SPECTATOR, 19 June 1850.
109. IBID.
110. LA MINERVE, 24 June 1850.
111. HAMILTON SPECTATOR, 19 June 1850.
112. LA MINERVE, 24 June 1850.
113. HAMILTON SPECTATOR, 19 June 1850.
114. LA MINERVE, 24 June 1850.
115. HAMILTON SPECTATOR, 19 June 1850.
116. LA MINERVE, 24 June 1850.
117. HAMILTON SPECTATOR, 19 June 1850.
118. MONTREAL GAZETTE, 21 June 1850.
119. NORTH AMERICAN, 21 June 1850.
120. IBID.
121. MONTREAL GAZETTE, 21 June 1850.
122. NORTH AMERICAN, 21 June 1850.
123. HAMILTON SPECTATOR, 19 June 1850.
124. NORTH AMERICAN, 21 June 1850.
125. HAMILTON SPECTATOR, 19 June 1850.
126. NORTH AMERICAN, 21 June 1850.
127. IBID.
128. MONTREAL GAZETTE, 21 June 1850.
129. NORTH AMERICAN, 21 June 1850.
130. MONTREAL GAZETTE, 21 June 1850.
131. HAMILTON SPECTATOR, 19 June 1850.
132. MONTREAL GAZETTE, 21 June 1850.
133. HAMILTON SPECTATOR, 19 June 1850. MONTREAL GAZETTE, 21 June 1850 noted that: "While Mr. Boulton was speaking to his resolutions one hon. supporter of the ministry went out of the House and got a hand organ to play under an open window."
134. HAMILTON SPECTATOR, 19 June 1850, reported that: "Upon this, up jumped poor Dr. Boutillier, who appeared frightened enough to sink into his boots, with an intimation that if there was any excitement in Upper Canada, and if the Opposition did not act mildly and patiently, he should vote for the removal of the Seat of Government back again to Montreal! This expression of intense fear was received with peals of laughter from the Opposition, whilst the Ministry themselves were sadly crest-fallen at the silly remark of their supporter." The BRITISH COLONIST, 18 June 1850, noted that: "Dr. Boutillier looked very pale."
135. LA MINERVE, 24 June 1850.
136. IBID.
137. MONTREAL GAZETTE, 21 June 1850.
138. NORTH AMERICAN, 21 June 1850.
139. MONTREAL GAZETTE, 21 June 1850.
140. HAMILTON SPECTATOR, 19 June 1850.
141. MONTREAL GAZETTE, 21 June 1850.

142. HAMILTON SPECTATOR, 19 June 1850.
143. MONTREAL GAZETTE, 21 June 1850.
144. NORTH AMERICAN, 21 June 1850.
145. HAMILTON SPECTATOR, 19 June 1850.
146. IBID.
147. NORTH AMERICAN, 21 June 1850.
148. MONTREAL GAZETTE, 21 June 1850.
149. LA MINERVE, 24 June 1850.
150. HAMILTON SPECTATOR, 19 June 1850.
151. LA MINERVE, 24 June 1850.
152. HAMILTON SPECTATOR, 19 June 1850.
153. LA MINERVE, 24 June 1850.
154. HAMILTON SPECTATOR, 19 June 1850.
155. MONTREAL GAZETTE, 21 June 1850.
156. HAMILTON SPECTATOR, 19 June 1850.
157. LA MINERVE, 24 June 1850.
158. HAMILTON SPECTATOR, 19 June 1850.
159. IBID.
160. MONTREAL GAZETTE, 21 June 1850.
161. NORTH AMERICAN, 21 June 1850.
162. MONTREAL GAZETTE, 21 June 1850.
163. LA MINERVE, 24 June 1850.
164. MONTREAL GAZETTE, 21 June 1850.
165. NORTH AMERICAN, 21 June 1850.
166. MONTREAL GAZETTE, 21 June 1850.
167. HAMILTON SPECTATOR, 19 June 1850.
168. IBID.
169. NORTH AMERICAN, 21 June 1850.
170. HAMILTON SPECTATOR, 19 June 1850.
171. NORTH AMERICAN, 21 June 1850.
172. MONTREAL GAZETTE, 21 June 1850.
173. HAMILTON SPECTATOR, 19 June 1850.
174. MONTREAL GAZETTE, 21 June 1850.
175. HAMILTON SPECTATOR, 19 June 1850.
176. MONTREAL GAZETTE, 21 June 1850.
177. NORTH AMERICAN, 21 June 1850.
178. MONTREAL GAZETTE, 21 June 1850.
179. NORTH AMERICAN, 21 June 1850.
180. HAMILTON SPECTATOR, 19 June 1850.
181. MONTREAL GAZETTE, 21 June 1850.
182. IBID.
183. IBID.
184. NORTH AMERICAN, 21 June 1850.
185. IBID.
186. IBID.
187. MONTREAL GAZETTE, 21 June 1850.
188. LA MINERVE, 24 June 1850.
189. NORTH AMERICAN, 21 June 1850.
190. MONTREAL GAZETTE, 21 June 1850.
191. IBID.
192. LA MINERVE, 24 June 1850.
193. MONTREAL GAZETTE, 21 June 1850.
194. IBID.
195. IBID.
196. HAMILTON SPECTATOR, 19 June 1850.
197. NORTH AMERICAN, 21 June 1850.

198. MONTREAL GAZETTE, 21 June 1850.
199. IBID.
200. HAMILTON SPECTATOR, 19 June 1850.
201. MONTREAL GAZETTE, 21 June 1850.
202. NORTH AMERICAN, 21 June 1850.
203. HAMILTON SPECTATOR, 19 June 1850.
204. NORTH AMERICAN, 21 June 1850.
205. MONTREAL GAZETTE, 21 June 1850.
206. HAMILTON SPECTATOR, 19 June 1850.
207. NORTH AMERICAN, 21 June 1850.
208. HAMILTON SPECTATOR, 19 June 1850.
209. NORTH AMERICAN, 21 June 1850.
210. HAMILTON SPECTATOR, 19 June 1850.
211. LA MINERVE, 24 June 1850.
212. HAMILTON SPECTATOR, 19 June 1850.
213. MONTREAL GAZETTE, 21 June 1850.
214. LA MINERVE, 24 June 1850.
215. MONTREAL GAZETTE, 21 June 1850.
216. HAMILTON SPECTATOR, 19 June 1850.
217. MONTREAL GAZETTE, 21 June 1850.
218. IBID.
219. IBID.
220. LA MINERVE, 24 June 1850.
221. NORTH AMERICAN, 21 June 1850. According to PILOT, 22 June 1850: "His speech was dull and prosy, and members one by one left the House...." This speech was also reported by GLOBE, 18 June 1850.
222. GLOBE, 18 June 1850.
223. NORTH AMERICAN, 21 June 1850.
224. The following papers reported this notice of motion in identical accounts: PILOT, 22 June 1850, GLOBE, 18 June 1850, KENT ADVERTISER, 27 June 1850, and PACKET, 29 June 1850.
225. PILOT, 22 June 1850.
226. JOURNAL DE QUEBEC, 22 June 1850. This was also reported in PILOT, 25 June 1850.
227. The following papers reported this withdrawn notice in identical accounts: GLOBE, 18 June 1850, EXAMINER, 19 June 1850, NORTH AMERICAN, 21 June 1850; PILOT, 22 June 1850, KENT ADVERTISER, 27 June 1850, and PACKET, 29 June 1850.
228. PILOT, 22 June 1850.
229. NORTH AMERICAN, 21 June 1850.
230. The following papers reported this question in identical accounts: EXAMINER, 19 June 1850, and NORTH AMERICAN, 21 June 1850. The question was also reported by: PILOT, 22 June 1850; and LA MINERVE, 24 June 1850.
231. NORTH AMERICAN, 21 June 1850.
232. IBID.
233. The following papers reported this question in identical accounts: EXAMINER, 19 June 1850, and KENT ADVERTISER, 21 June 1850.
234. EXAMINER, 19 June 1850.
235. IBID.



(72)

Petitions  
brought up.

THE following Petitions were severally brought up, and laid on the table:--

By Mr. DeWitt,--The Petition of the Reverend John McKeown, Minister, and others, Wardens and members of the Church of England at Hemmingford.

By Mr. Notman,--The Petition of Thomson Smith and others, merchants, ship-owners, captains, and others.

By the Honorable Mr. Cameron of Kent,--The Petition of Messieurs Thomas Wilson and Company, and others, merchants and manufacturers extensively engaged in the Timber Trade of Canada; the Petition of the Board of Trade of Quebec; and the Petition of John McGill Chambers, of the Township of Montague.

By Mr. Thompson,--The Petition of the Municipality of the Township of Canborough.

By Mr. Mongenais,--The Petition of the Municipal Council of the County of Vaudreuil.

By Mr. Morrison,--The Petition of the Toronto, Simcoe, and Huron Railroad Union Company.

By the Honorable Mr. Cameron of Cornwall,--The Petition of Jordan Challenger and others, of the Town and vicinity of Chatham; the Petition of the Reverend Samuel S. Wood and others, the Rector, and Church Wardens of the Church of England at Three Rivers; the Petition of the Corporation of Bishop's College in the Diocese of Quebec; and the Petition of the Right Reverend the Lord Bishop of Montreal, and others, the Clergy, Wardens, and members of the several Congregations of the Church of England at Quebec.

By Mr. Seymour,--The Petition of the Reverend Paul Shirley and others, of Camden East.

By the Honorable Mr. Viger,--The Petition of John Goodbody and others, members of the Municipal Council, and Rate-payers of the Municipality of the County of Terrebonne.

By Mr. Stevenson,--The Petition of Samuel Solmes and others, of the first concession of the Township of Sophiasburgh.

By Mr. Cartier,--The Petition of the Reverend J.P. Kelly and others, of the Town of William Henry.

Report on In-  
dustrial Exhi-  
bition.

Mr. Gugy, from the Select Committee to which was referred the Message of His Excellency the Governor General, delivered to this House on the twenty-ninth of May last, with the accompanying documents, on the subject of the Industrial Exhibition to take place in London in 1851, presented to the House the Report of the said Committee; which was read.

Appendix (L.)

For the said Report, see Appendix (L.)

Official Salaries  
Seizure Bill.

Ordered, That Mr. DeWitt have leave to bring in a Bill to enable the Judgment Creditors of Public Officers to seize a portion of the Salaries and emoluments of such Officers

in certain cases.

He accordingly present the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time, on Thursday next.

Three Rivers  
Common Bill.

Ordered, That Mr. Polette have leave to bring in a Bill to transfer to the Municipal Council of the Municipality of the Town of Three Rivers the administration of the Common

of the said Town, and for other purposes.

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time, on Monday next.

Petition of  
Becher and  
Ridout;  
Of S. Connor;  
Of D. McFar-  
land;  
Of the Muni-  
cipality of  
Thorold;  
Of Dr. Don-  
nelly and  
others, referred.

Ordered, That the Petition of H.C.R. Becher and Lionel Ridout,  
of the Town of London, County of Middlesex, Esquires; the  
Petition of Skeffington Connor, Esquire, and others; the  
Petition of Duncan McFarland, Esquire; the Petition of the  
Municipality of the Township of Thorold; and the Petition  
of P.T. Donnelly, M.D., and others of the Township of  
Moore, County of Lambton, be referred to the Standing Com-  
mittee on Standing Orders.

On motion of the Honorable Mr. Attorney General Baldwin, seconded by the Honorable Mr. Attorney General LaFontaine,

Call of the  
House.

Resolved, That a Call of the House be made on Friday, the  
twenty-eight day of June instant.

Resolved, That such Members as shall not then attend, be sent for in custody of  
the Serjeant at Arms attending this House.

Ordered, That Mr. Speaker do cause Circular Letters to be written immediately to  
absent Members, except those who are on leave from the House, enclosing to them  
copies of the preceding Resolutions, signed by the Clerk of this House.

(73)

Message from  
the Council.

A Message from the Legislative Council by John Fennings  
Taylor, Esquire, one of the Masters in Chancery:--  
Mr. Speaker,

Quebec St.  
Jean Baptiste  
Society Bill.

The Legislative Council have passed a Bill, intituled,  
"An Act to amend an Act, intituled, 'An Act to incorporate  
La Société Saint Jean Baptiste de la Cité de Québec'," to  
which they desire the concurrence of this House.

And then he withdrew.

Clergy Re-  
serves.

The Honorable Mr. Price moved, seconded by Mr. Solicitor  
General Macdonald, and the Question being proposed, That the  
reservation of a large portion of the Public Domain of this  
Province for the support of a Protestant Clergy, by an Act passed in the thirty-  
first year of Her Majesty's Royal Predecessor King George the Third, has been for  
many years a source of intense dissatisfaction to the great majority of Her Majes-  
ty's subjects in Upper Canada;

And a Debate arising thereupon;<sup>1</sup>

MR. COM. CR. LANDS PRICE proceeded to move the resolution on the Clergy Reserves  
question, of which he had given notice.<sup>2</sup>

1. That the reservation of a large portion of the public domain of the province,  
for the support of a protestant clergy, by an Act passed in the 31st year of Her  
Majesty's Royal predecessor, King George the III, has been for many years a source  
of intense dissatisfaction to the great majority of Her Majesty's subjects in Upper  
Canada.

2. That it appears by the last census taken in Upper Canada, that the popula-  
tion of that section of the province, was in the year 1848, 723,332 of which 239,651  
are returned as in connexion with the Church of England and Scotland, the only  
churches receiving any considerable benefit from the clergy reserves endowment.

3. That it appears by the last census taken in Lower Canada, that the popula-  
tion of that section of the province, was in the year 1844, 578,490 of which only



70,229 are returned as in connexion with the churches of England and Scotland.

4. That the power given by the 41st clause of the above Act to the provincial legislature, to "vary or repeal" the provisions respecting the allotment and appropriation of lands for the support of a protestant clergy, affords sufficient evidence, that in the opinion of the imperial parliament the question was one that ought to be settled with reference to the state of public opinion in the colony rather than to that in the mother country.

5. That in the early settlement of the province the reserved lands were of little value, and as no sales had then been authorised by the imperial parliament, the question attracted but a slight share of public attention.

6. That so soon as the intention of the government to dispose of the lands reserved in Upper Canada became known, the representatives of the people of that province took the whole subject into their most serious consideration, and with an unanimity that prevailed on no other question, endeavored to remove a grievance universally complained of by the people, save and except by those interested in the maintenance of church establishments.

7. That in the year 1827 a bill to authorize the clergy reserves and the application of the proceeds thereof to the purposes of general education, was passed through the house of Assembly of Upper Canada, the division on the second reading having been 22 to 6; that this bill was rejected by the legislative council.

8. That a dissolution having taken place soon after the tenth parliament of Upper Canada met in the year 1829, when a bill for the sale of the clergy reserves and the application of the proceeds to educational purposes, passed through its various stages in the house of Assembly without a division, but was again rejected by the legislative council.

9. That in the year 1830, during the second session of the tenth parliament, another bill containing similar provisions to the former ones was passed by the house of assembly without a division, and was rejected by the legislative council.

10. That a dissolution having taken place, a new parliament met in the year 1831, when resolutions expressing the same views were adopted by a large majority in the house of assembly, an amendment proposed by the Solicitor General having been rejected on a division of 29 to 7.

11. That in the year 1832, during the second session of the eleventh parliament an address to the Crown praying for the application of the clergy reserves to educational purposes was carried by a large majority in the house of assembly, the amendments proposed by Mr. Attorney General Boulton, and Mr. Solicitor General Hagerman having been supported by only six members of the house.

12. That after the passage of the address last referred to, a message was sent down to the house by Lieutenant Governor, Sir John Colborne, in which His Excellency stated that he had His Majesty's commands to make a communication to the house of assembly in reference to the lands set apart for the support and maintenance of a protestant clergy; that His Excellency informed the house that the representations made to His Majesty and to His Royal predecessors of the prejudice sustained by his faithful subjects in this province, from the appropriation of the clergy reserves, had engaged His Majesty's most attentive consideration, that His Majesty had considered with no less anxiety, how far such an appropriation of territory is conducive either to the temporal welfare of the ministers of religion in this province or their spiritual influence, and that His Majesty invited the house of assembly of Upper Canada to consider how the power given to the provincial legislature by the constitutional Act, to vary or repeal this part of its provisions, can be called into exercise most advantageously for the spiritual and temporal interests of His Majesty's faithful subjects in this province.

13. That after the reception of the above message, a bill to re-invest the clergy reserves in the Crown discharged of all trusts whatsoever, was introduced and read a second time on a division of 29 to 7.



14. That in the year 1833, during the third session of the eleventh parliament, a bill having similar provisions with that formerly adopted by the house, was read a second time on division of 36 to 2.

15. That in the year 1834, during the fourth session of the eleventh parliament a bill of a similar character was passed through its several stages in the house of assembly by considerable majorities, though opposed with the whole weight of the government, but was rejected by the legislative council.

16. That in the year 1835, during the first session of the twelfth parliament of Upper Canada, a bill for the sale of the clergy reserves and the application of the proceeds to educational purposes was passed by a majority of 40 to 4 but was rejected by the legislative council.

17. That during the same session resolutions were sent down to the house of assembly by the legislative council, in which the opinion was expressed that as the legislature of the province had been unable to concur in any measure respecting the clergy reserves, it was expedient to address His Majesty and both houses of parliament, requesting that the imperial parliament should legislate on the subject.

18. That the house of assembly, by a majority 24 to 12, resolved that this house has heretofore repeatedly passed bills providing for the sale of the clergy reserves, and the appropriation of the monies arising therefrom to the support of education, which bills have been rejected without amendment by the legislative council. That with the same view this house have repeatedly made known by humble and dutiful addresses to His Majesty, their wishes and opinions of His Majesty's faithful subjects in this province on this highly important subject, and this house takes the opportunity of declaring, that these wishes and opinions, both on the part of this house and their constituents remain unchanged. That during the second session of the last parliament His Excellency the Lieutenant Governor, by message, informed the house that he had received His Majesty's instructions to declare that the representations which had at different times been made to His Majesty and his Royal predecessors, of the prejudice sustained by His Majesty's faithful subjects in this province from the appropriation of the clergy reserves, had engaged His Majesty's most attentive consideration and His Majesty had most graciously been pleased to invite the house of assembly to consider how the powers given to the provincial legislature by the constitutional Act, to vary or repeal the provisions which it contains for the allotment and appropriation of the clergy reserves, would be most advantageously exercised for the spiritual and temporal interests of his faithful subjects in this province. That this house, in compliance with His Majesty's wishes thus graciously expressed, and with the strong and well known desires of His Majesty's faithful subjects in this province, has passed a bill during the present session to provide for the sale of the clergy reserves, and to apply the money arising from such sales to the support of education. That the said legislative council has not passed the said bill, has not amended it, and has not passed any other bill on the subject.

19. That in the year 1836, during the second session of the twelfth parliament, a bill embodying similar principles to those repeatedly passed by the house of assembly was again introduced, and was carried on a division by a majority of 35 to 5. That the said bill was amended in the legislative council by expunging all the enacting clauses, and substituting provisions for investing the reserves in the Crown, to be applied for the maintenance of public worship and the support of religion. That the house of assembly adopted by a majority, of 27 to 1, certain amendments to the amended bill sent down by the legislative council affirming the principles of their original bill.

20. That during the same session, a despatch from Lord Glenelg, His Majesty's principal Secretary of State for the Colonies to Lieutenant Governor Sir Francis Head, was communicated to the house, in which his Lordship treated the question as one to be settled by the provincial legislature, and declined to interfere with

the deliberations of the legislature by offering any suggestions of his own.

21. That the twelfth parliament having been dissolved by Sir Francis Head, a general election was held at a period of great excitement, and the question of the disposal of the clergy reserves appears to have been lost sight of during the political struggle which ensued. That during the first three sessions of the thirteenth parliament, various efforts were made to settle the question, but without any satisfactory result. That at length in the course of the third session a bill which had passed the legislative council providing for the reinvestment of the said reserves in the imperial parliament was concurred in by a majority of 22 to 21.

22. That in the year 1839 during the fifth and last session of the last parliament of Upper Canada, a message was sent down to the house from the Governor General, the Right Hon. C. P. Thomson, by which the house was informed, that the bill passed during the previous session had not received the royal assent, there being an insuperable objection to it on a point of form. That His Excellency stated moreover that in the opinion of His Majesty's government, the provincial legislature would bring to the decision of the question an extent of accurate information as to the wants and general opinions of society in this country in which the imperial parliament is unavoidably deficient.

23. That another attempt at settlement was made during the last session of the parliament of Upper Canada, when a bill passed both houses providing for the sale and disposal of the clergy reserves, which bill having been reserved for the royal assent was not assented to by Her Majesty.

24. That on Her Majesty's decision to withhold the royal assent from the said bill, Her Majesty's government submitted to the imperial parliament a bill providing for the sale and distribution of the proceeds of the clergy reserves which, so far from settling this long agitated question, has left it to be the subject of renewed and increased public discontent.

25. That apart from the objections entertained by the great majority of Her Majesty's subjects in Canada to religious endowments, by which certain favored denominations of christians are kept in connection with the State, and thereby placed in a position of superiority over others, the present disposition of the revenue derived from the clergy reserve investments is manifestly unjust.

26. That the entire revenue derived from the investments made before the passing of the imperial Act 3 & 4 Victoria chapter 78 has been assigned to the Churches of England and Scotland, to the exclusion of the Wesleyan, Episcopal, and New Connexion Methodists, the Free Presbyterian Church of Canada, the United Presbyterian Church, the Baptists, Congregationalists, and other religious bodies, whose pastors have an equal claim to the designation of a protestant clergy with those of the clergy of the churches of England and Scotland.

27. That it appears from the facts above stated, that during a long period of years, and in nine sessions of the imperial parliament the representatives of the people of Upper Canada with a unanimity seldom exhibited in a deliberative body declared their opposition to religious endowments of the character above referred to. That the wishes of the people were thwarted by the legislative council, a body containing a majority favorable to the ascendancy of the Church of England. That Her Majesty's imperial government from time to time invited the provincial parliament to legislate on the subject of these reserves, disclaiming on the part of the crown any desire for the superiority of one or more particular churches. That Her Majesty's government in declining to advise the royal assent being given to a bill passed by a majority of one, for investing the reserves in the imperial parliament, admitted that from its accurate information as to the wants and general opinions of society, in which the imperial parliament was unavoidably deficient, the question could be more satisfactorily settled by the provincial legislature. That subsequent to the disallowance of the last mentioned bill, the imperial parliament passed an Act disposing of the proceeds of the cler-



gy reserves in a manner entirely contrary to the formerly repeatedly expressed wishes of the Canadian people as declared through their representatives, and acknowledged as such in a message sent to the provincial parliament by Her Majesty's command.

28. That it is the opinion of this house that the legal or constitutional impediments which stood in the way of the provincial legislation on this subject, should have been removed by an Act of the imperial parliament, but that the appropriation of revenues derived from the investment of the proceeds of the public lands of Canada, by the imperial parliament will never cease to cause discontent to Her Majesty's loyal subjects in this province.

29. That this house is of opinion that when all the circumstances connected with this question are taken into consideration, no religious denomination can be held to have such vested interest in the revenue derived from the proceeds of the said clergy reserves as should prevent further legislation with reference to the disposal of them, but this house is nevertheless of opinion that the claims of existing incumbents, whether of individuals or of religious bodies, should be treated in the most liberal manner.

30. That in the opinion of this house the most liberal and equitable mode of settling this long agitated question, would be for the imperial parliament to pass an Act providing that the annuities now payable to the several denominations of Christians, receiving the same, should terminate at some specified time, either on the demise of parties receiving the same, or at the expiration of a term of years, and that subject to this provision the provincial parliament should be authorized to appropriate as in its wisdom it may think proper all revenues derived from the present investments, or from those to be made hereafter, whether from the proceeds of future sales or from instalments on those already made.

31. That it is the opinion of this house, that an humble address should be presented to Her most gracious Majesty the Queen, praying that Her Majesty will recommend to parliament a measure for the repeal of the imperial Act 3 & 4 Vic. chap. 78, and for the Canadian legislature to dispose of the proceeds of the clergy reserves, subject to the authorizing the conditions above described.<sup>3</sup>

The subject he was about to introduce to their notice was one of the most vital importance to the well-being of the province, which could engage their attention. It was one which had agitated the country from one end to the other, and unless it was settled to the satisfaction of the people, they would never be contented or quiet.<sup>4</sup> It would have been more in accordance with his wishes if the government had been unanimous on the question, and been prepared to stand or fall on it, as it might sooner have led to the result he had so much at heart<sup>5</sup> and likewise that it should have been by a Bill, which would be sent home to receive the Royal assent, instead of an address asking the Imperial authorities to pass such a bill.<sup>6</sup> Here the hon. member went over his personal history with reference to this question.<sup>7</sup> No man in that house or out of it, felt a stronger desire to settle that question than he (Mr. Price,) and he had taken his present course because he believed that it would be the most effectually secure that end. It was indeed the only course that was open to him; it was the only course which could regain to Canada that complete control over the Clergy lands which they had resigned to the Imperial authorities. It would of course have been more in accordance with his feelings that the Government should have unitedly brought down a measure on the subject, to be adopted by a large majority of the House, and supported by the people; it would have pleased him much could it have been so. Although the principle involved in the question was of the utmost importance—one from which he would never recede—he could not say that it was the most vital question to Canadian interests which existed, because, altho' particular denominations were more highly favored than others, the Clergy Reserves was not given them in perpetuity, they were only receiving a portion of the interests (sic) on the sales, and the power of revocation was still in the hands of the people. For this



reason he held, that the immediate settlement of this question was not of such vital importance at present as some others.<sup>8</sup> The first question that had engaged his attention since he first entered public life, was the obtaining the right of self government for this country. The second was the Clergy Reserves.<sup>9</sup> But he wished to ask the question whether, if, when the Government could not agree on this question, those members who agree with him (Mr. P.) had resigned, he wished to ask whether there was a party in that house strong enough to force the remaining members to make this a cabinet question and carry it through the House. He believed that he could answer in the negative, and his colleagues did not entirely agree with him, when the question could not be carried by his doing so, and when he had the liberty of exercising his opinion and giving his vote upon it, although it was not a cabinet question.<sup>10</sup> If it were a question on which hung all the destination of Canada, he would say that it was necessary to make it a cabinet question.... He had thought it right to stay in the cabinet, notwithstanding, the difference of opinion of some of his colleagues.<sup>11</sup> There was a principal (sic) involved in this question which struck at the very root of religious liberty, and which no honest man in Canada could continue to give his assent to. He (Mr. Price) had not learnt his principles on this subject in Canada; he had learnt them in his native country, where he had always contended as he had uniformly done here, for the great principles of civil and religious equality.--When he came to the Province in 1828, he found this question agitating the Province from one end to the other; it had agitated it ever since, and it would continue to agitate it until it was decided on the principles of truth and justice.--He had always contended that one-seventh of the lands of Canada set apart by the constitutional act, belonged at any rate to all religious denominations; he had contended for it in public life and he would do so in private, when he should retire from his public duties. He held, that because he differed from the gallant Knight opposite in his religious views or on church government, he was not therefore to be put on a different and inferior footing from him. That would be to make him responsible to man for that belief for which he was only rightly responsible to his God. It was the part of no honest man to set up one denomination over their fellow religionists<sup>12</sup>. He never would concede the principle ... and would ever resist it with the best judgment which God had given him; and he would oppose it during his life in this vale of misery.<sup>13</sup> It was this that had given rise to all the strife and discussion which had existed in Canada so long. An hon. member had said that he had started in public life, in 1828, a good Conservative; he was still a good Conservative in one sense, but he had always contended that the people of Canada should have the entire management of their own affairs.<sup>14</sup>

MR. H. BOULTON (Norfolk) several times had interrupted the hon. member with ironical cheers.<sup>15</sup>

MR. COM. CR. LANDS PRICE said that he could speak of the polical (sic) career of some members who were so very liberal in their professions now, but who, in former times, were the keenest opponents of the rights of the ... people, while those professing liberality then were opposed to them now. He recalled to mind parallel cases in England. There was one member who was a strong opponent of the civil rights of his country, and exerted the utmost powers of his masculine mind to stop the passage of the Reform Bill; but strange to say, Sir Thomas Lethbridge, after its passage, became as ultra a Liberal as he had been a Tory--and lost his influence. Sir Francis Burdett, an extreme Liberal, had become (sic) a violent Tory, and he too lost all his influence. Sir Charles Wetherhall, too, who had done everything in his power to retard the progress of reform, changed his views, and was put out of public life for ever. If hon. members in this House, unlike these mén, had followed a consistent course, they might have gone down to their graves with laurels on their heads; had they forgotten their sel-

fish views, and followed a manly dignified course of opposition, not recklessly attempting to tear down and destroy, they would have been honoured for their consistency at least.<sup>16</sup> Unflinching honest opposition was a duty.<sup>17</sup> These members, if they had any ambition, some day hoped no doubt to occupy the government seats; they ought to reflect that when they did so, they would feel aggrieved at receiving the factious opposition they were at present offering, and they ought not to allow their blasted hopes and disappointed expectations to lead them astray. When it was said that this question should have been settled by a bill<sup>18</sup> passed through the two houses<sup>19</sup> afterwards to receive the Royal assent, he asked the House whether he was to stultify himself by introducing a bill<sup>20</sup> which must be an aberration--must, because there was no power in Canada to legislate by bill, or whether he should take the course which, in his judgment seemed more calculated to result in good?<sup>21</sup> What difference he would like to be informed was there between passing a bill to receive the sanction of Imperial authority, or asking that authority to pass that bill. The first could not be done legally<sup>22</sup> ((and)) would have been a defiance of Imperial authority<sup>23</sup> because the Imperial authority had passed a measure on the subject at our request<sup>24</sup> under which the Province had been acting for twelve years, without complaint--authority founded on the wishes of the Provincial Parliament, notwithstanding it was not exactly a transcript of the bill sent from this country.<sup>25</sup> It had, to be sure, not been considered a settlement of the question by the people, but by their silence they had given their tacit consent to the right of Great Britain to legislate on the subject.<sup>26</sup> He understood from the lawyers of the House that even the twelve judges of England had declared that that bill, if it had been passed<sup>27</sup> by the two houses, and sent home for the royal assent<sup>28</sup>, even if it received the Royal assent it would be null and void and could not be enforced.<sup>29</sup> Would it then become him, a simple attorney, to fly in the face of these authorities<sup>30</sup>. He believed that such a bill would not pass that House; he should be obliged to vote against it himself, and he was sure it would never receive the assent of the home government.<sup>31</sup> He gave gentlemen opposed to him the credit of acting conscientiously and hoped for the same credit in return. At any rate he had the approbation of his own conscience.<sup>32</sup> He should now speak of the claim of the Church of England to the whole lands set apart by the constitutional Act for the maintenance of a Protestant clergy. They claimed them because that church was established in England, and held therefore the sole title to them. The Church of Scotland were the first to dispute it, and to assert their right as a church established in one part of the empire; and the clergy of other denominations, too, made their claims, although not established, as being of the Protestant faith. He had often thought that if those who managed the affairs of the Church of England when this question was first mooted, looked back through the vista of years gone by, they must bitterly regret that they had not compounded for one half of these lands, to be disposed of as they pleased, and thus placed it out of the power of all future changes to affect them. It was with them as it was with other hungry men--they had grasped at all, and were now about to lose all. The constitutional Act set apart one seventh of all the lands to be surveyed in Upper Canada for the<sup>33</sup> maintenance of the ... Protestant Clergy<sup>34</sup> and he would now proceed to show the magnitude of the property thus devoted. The whole number of acres set apart was 2,395,687. Of these there had been sold under the Act 7 & 8 George IV, 539,213, and under 3 and 4 Vict. 568,540; 1,099,454 sold, and 1,296,234 remaining undisposed of. The lands were sold for the large sum of £720,756.<sup>35</sup>

MR. H. SHERWOOD (Toronto.) All swallowed up by the Crown Lands Office; they charged 40 per cent for collection.<sup>36</sup>

MR. COM. CR. LANDS PRICE said that since the present government came into power, they had only charged 6 per cent for collection, but this sum of £720,756 was over and above all expenses. Of this amount up to the 31st December, 1849, £373,899 4s. 4d. had been paid, leaving still due £346,656 15 s. 11d. With the interest on



this amount when collected, they would have from the lands already sold a million pounds; and when all the lands were disposed of, the proceeds would probably amount to the large sum of two millions. Hon. Gentlemen would see that this was a subject of great magnitude, and that it was not to be wondered at that the people had taken it up with so much spirit. If they looked at the population of Canada in sects, they would find that a very small portion of the population were intended to be benefited by this large sum. Out of the 623,000 people, the Church of England had 171,751, and the Church of Scotland 67,900, making a total of 239,841, and these two churches were to get the lion's share, leaving comparatively little to the 483,781 which remained. Of these there were two churches, each of whom got a small sum--the Roman Catholics £700 a-year for their population of 123,707, and the Wesleyans also a miserable pittance for their 90,363; but allowing these as provided for, there were still 269,711 who were utterly excluded from all participation in the proceeds. The sum of £2,000,000 when realized would at 6 per cent give 1000 clergymen £120 per annum, and they would have the charge of only 720 men, women and children each a tax of 7s. 6d. per head. This would be the richest endowment in the world considering the population and comparative wealth of the country: they might talk of the Irish or English Establishment, but this would far exceed them.<sup>37</sup> This was a larger endowment than those of England, Ireland or Spain<sup>38</sup>. The injustice of depriving the people of these lands would be apparent when they reflected<sup>39</sup> the whole amount was raised from utter worthlessness to its present value by the honest labour of the people of this country.<sup>40</sup> Twenty-five years ago they did not pay the selling expenses, whereas now they would produce the large sum he had mentioned. It was by the industry of the people they had received their value, who had settled on the neighbouring lands and improved all around them by opening the country and making roads, while these lands remained uncleared, the resort of<sup>41</sup> wolves and bears,<sup>42</sup> the wild animals of the forest, the annoyance of the farmer. They were even worse than uncleared lands held by private individuals (sic). Individuals paid taxes on their land, but the Clergy Reserves paid nothing to the municipalities. He appealed to the House whether it was not desirable that the strife and dissention caused by this great question should be set at rest for ever, that we should no longer have the various denominations clamoring for state pay, and others opposing them. Was it conducive to the well being of the interests of religion that clergymen should be continually combating (sic) for a division of the spoil (sic). Had the Clergy Reserves never been dreamt of, he believed that the Church of England would have been more numerous, better supported, and more wealthy than she was at present; those Churches which had no State assistance, supported their ministers with far more liberality than those of the Church of England, even with their appropriation. (Mr. Price then proceeded to quote the opinion of Lord Grenville that the term "Protestant Clergy" included all but Ministers of the Roman Catholic Church, and also the opinions to the same effect of all the Judges of the Queen's Bench in England except Lords Denman and Abinger, who happened to be absent, when the question was submitted to them in 1840).<sup>43</sup> That the term had a more extended signification than the clergy of the Church of England, and that it must include the clergy of the Church of Scotland; but while they specified no other church, they did not say that others might not be included.<sup>44</sup> Honorable members would see that none could doubt that all but the Church of Rome were entitled to an equal share in the endowment.<sup>45</sup> They were of opinion that the colonial legislature had not the power to sell any of the reserves.<sup>46</sup> It has been said that the members for L. Canada were not interested in this question, he could show that they were very deeply interested, because a large quantity of land had been set apart in the Lower Province for the support of a Protestant Clergy, although it was part a Catholic country. The number of acres set apart was 934,052, and the quantity sold 362,699, leaving 571,333 unsold. The amount of money received on the sales was £74,236 2s 11d; remaining due £16,703 18s 5d. The people of Lower Canada had therefore as good



reason to wish the question settled on fair and equitable principles as those of U. Canada and he trusted that the members from that section of the Province would join with those of U. Canada in conscientiously (sic) discharging their duty on this matter<sup>47</sup> if the great enemy of the human family had set his wits to work.<sup>48</sup>

MR. WILSON.--Who do you mean? (Laughter.)<sup>49</sup>

MR. COM. CR. LANDS PRICE:--He hoped that no member of that honorable house would have practical experience of who that was (laughter); but he believed that if the great enemy of the human race--<sup>50</sup>

MR. H. SHERWOOD:--By and with the advice of his council.<sup>51</sup>

MR. COM. CR. LANDS PRICE:--Yes, by and with the advice of his council, had set his wits to work to provide a subject of discord, he could have found nothing more fit for that purpose. Without the appropriation of this property, he believed the different religious sects would have gone on in Canada as quietly as in any part of the world: and he believed that if the present recipients of these funds would only give their aid to promote a peaceable settlement of this question, they would hereafter confess that those who were now moving in it, knew better what was for their good than they did themselves.<sup>52</sup> With regard to the appropriation of the present income from the proceeds of the Clergy Lands, he might mention that in 1849 the amount of the revenues under the old sales was £17,585 13 3, out of which there was paid to the Roman Catholics £1,166 12; to the Rev. W. Ball, Presbyterian minister of Perth £100, both in Sterling money; to the Clergy of the United Synod Presbyterian £665 13 0, and to the Wesleyan Methodists, £591 2 2, leaving to be divided between the Churches of England and Scotland £15,021 11 5; two thirds of which to the Church of England amounted to £10,014 7 1, of which £6,361 10 2 has been paid to individual ministers here, and the balance to the Society for the propagation of the Gospel in foreign parts; the one third of the Church of Scotland amounted to £5,007 3 10. Under the new sales by the 4th and 5th Vic. the proceeds for 1849 were £5,805 5 4 of which the Church of Scotland £1134 7 7, and the Roman Catholic Church £390 8 11, leaving a balance unappropriated of £3,032 13 9. Here was Lord Sydenham's opinion on the subject: "The Clergy Reserves have been, and are, the great overwhelming grievance--the root of all the troubles of the Province the cause of the rebellion--the never failing watch-word at the hustings--the perpetual source of discord, strife, and hatred. Not a man of any party but has told me that the greatest boon which could be conferred on the country would be that they should be swept into the Atlantic, and that nobody should get them; for after all there is little to divide--there will be nothing, after deducting the charges, for the next ten or twelve years; but the difficulty lay in the settlement." It is evident that Lord Sydenham when he wrote this, had no idea of the immense extent of the endowment, the people at all events thought it no small matter.<sup>53</sup> It would be tiresome, he said, to go through every vote in the Parliament of Upper Canada; but he thought he could show that there had never been any consent to any other disposition of the fund, than either an equitable division of them among all<sup>54</sup> to general purposes, or to education<sup>55</sup>, except in one or two cases at a very early period<sup>56</sup> or a complete secularization (sic) of them. He read some extracts from the journals of Upper Canada to prove this view of the case<sup>57</sup>. On every occasion on which it came up, similar resolutions had been come to. Reports of Committees appointed on the subject, taking the same view, he might read, but he did not wish to trespass too long. It was not only parliaments composed of a majority of Liberals who did so, but those containing a large preponderance of Tories. He wished that to be borne in mind, that it was no party question in those days; the change was advocated by men of all parties; among them Mr. Sampson, a strong Conservative, now dead, had moved a resolution to appropriate them to education, and Mr. Rykert, then member for Lincoln, was one of the strongest supporters of the same proposition. Up to the time of Lord Sydenham, this was the view of al-

most every body, but<sup>58</sup> by some mesmerism or other Lord Sydenham had induced the House to vote that the question should be placed under the imperial control, after he (Mr. P.) had learned from the members, that they would not do so<sup>59</sup>, and many who had formerly been for giving the lands to general purposes, were now in favor of allowing the Home Government to settle the matter. He (Mr. Price) well remembered standing at the bar of that House, and imploring Members of that House, not to place the control of the matter out of their own hands, to saddle the people of Canada with a state church for many years to come; they voted for it however, notwithstanding, and the bill was sent home. It was sent back, however, with the following despatch from Lord John Russell:--"The last of the reserved bills of the late Session has reference to the long controverted subject of the Clergy Reserves. To this Bill the Royal Assent could not have lawfully been given, until it had been laid 30 days before either House of Parliament. It was not until the 15th August that I received from the Lieut. Governor the document necessary to enable me to fulfil the requisition of the Constitutional Act of 1791.--It was therefore impossible that the Bill should be finally enacted by the Queen in Council until after the commencement of the Parliamentary Session of 1840. But had this difficulty not arisen, there were other motives which would have effectually prevented the acceptance of this measure by Her Majesty. Parliament delegated to the local Legislature the right of appropriating the Clergy Reserves, and the effect of the Bill is to re-transfer this duty from the local Legislature to Parliament, with a particular restriction. I am advised by the law officers of the Crown, that this is an unconstitutional proceeding. It is certainly unusual and inconvenient. Her Majesty cannot assume that Parliament will accept this delegated office; and if it should not be accepted, the confirmation of the Bill would be productive of serious prejudice, and of no substantial advantage. It would postpone indefinitely (sic) the settlement of a question which it much concerns the welfare of the Province to bring to a close; besides, I cannot admit that there exists in this country greater facilities than in Upper Canada for the adjustment of the controversy; on the contrary, the Provincial Legislature will bring to the decision of it an extent of accurate information as to the extent of the wants and general opinions of society in that country in which Parliament is unavoidably deficient. For all these reasons Her Majesty will decline to give Her assent to this Bill." He thought that ((it)) had been shown that the people of Canada have invariably insisted on, as the Home Government had acknowledged, their right to settle this question as they pleased, and if they asked to have that power given back to them which they had surrendered to the Imperial authority, he was sure it would be granted.<sup>60</sup> He had already said he thought this question was not the most vital that might be agitated, and this was why he thought so--because as the entire proceeds of the sale of Clergy Reserves was now invested in the debentures of the Province ... and therefore, could not be interfered with<sup>61</sup>, and that only a portion of the interest was applied to the maintenance of the clergy<sup>62</sup>, the property could never get so far out of the control of the people as to be dissipated (sic) or prevented.<sup>63</sup> No legislature could ever dare to attempt to apply the principal (sic) on which the interest was raised to any religious body. Here the hon. member took occasion to deprecate the resolutions of Mr. Boulton to amend the constitutional act.<sup>64</sup> The hon. member for Toronto had said lately that it was in obedience to public opinion that he had introduced a particular measure, he trusted that hon. members would pay regard to public opinion in the matter also--not public clamour, which died away in an hour, but that quiet, decided public opinion formed on a full acquaintance with the subject. To promote the welfare and advance the moral and religious condition of the Province they were bound to support it; they were bound to support it on the principle of equal rights to all, of whatever creed or denomination. He wished to go to Great Britain to ask the power to dismiss the root of bitterness which had grown up in the midst, which had set church against church,<sup>65</sup> minister against minister,<sup>66</sup> father against son and



son against father, to bring back to harmony and peace the land in which he dwelt<sup>67</sup> and asking that the Provincial Legislature might be permitted to do what they pleased with it--to pay off the public debt--provide for education--or build roads.<sup>68</sup> In a short time he trusted that this subject would be removed never more to be a cause of strife. He had been told that it was not wise<sup>69</sup> to propose to the Imperial authorities that the enjoyment of this property should be preserved to the present incumbents<sup>70</sup> during their lives<sup>71</sup> and that these persons should be left to the generosity of the Provincial Legislature. Notwithstanding this opinion, he was convinced that<sup>72</sup> the proper course had been taken; it was proper that they should show the people of Great Britain that they intended to pay respect to the claims of individuals, many of these incumbents having been brought from England on the faith of the Government grant.<sup>73</sup> On the other hand, some persons said that the constitutional act could not be set aside, and yet strange to say, the very persons who urged this argument, were those who had given a portion of these funds to the Roman Catholics.<sup>74</sup> The reason why this question was not settled long ago was not that the Upper Canadians or their Assembly were opposed to its settlement, but because every effort to do so was frustrated by<sup>75</sup> the Legislative Council composed principally of members of the Church of England.<sup>76</sup> All the vexation--all the responsibility resulting from that, ought to rest on the heads of those persons; and as he was desirous of peace--as he was desirous of seeing contentment among all denominations of Christians, he was anxious to make such a settlement as would give satisfaction throughout the length and breath (sic) of the land, and he would ask Hon. Gentleman (sic) from Eastern Canada to assist him in establishing peace in Western Canada<sup>77</sup>--

Cries of Canada<sup>78</sup>.

MR. COM. CR. LANDS PRICE ((continued:)) and to help him in making it plain to every man, that he lives under a truly paternal Government, that knows nothing about his religious creed, enquires not into his religious opinions, and cares not about them, but affords him that care and protection to which he is entitled, and only asks in return that he shall live in peace with his fellow men, and that he should deal with them as he would expect that they should deal with him. He would not trespass any longer on the House, and would therefore move the adoption of his resolutions, reserving to himself the right of reply to any objections that might be made.<sup>79</sup>

MR. SOL. GEN. MACDONALD seconded the motion.<sup>80</sup>

MR. H. BOULTON (Norfolk) said that before he went into the question, he would endeavour to put himself right before the country with regard to his political consistency--(hear, hear.) Yes, hon. gentlemen might cry hear, hear--and they should hear--for he could prove himself to be more consistent in his political opinions than any man now sitting on the Treasury Benches; and he would ask the hon. gentleman<sup>81</sup> who had just sat down<sup>82</sup> who pretended to be the most honest, most consistent politician of this or any other age, if he had not written a letter, in which he stated that there was no difference of opinion between him and his colleagues on the question of the Clergy Reserves<sup>83</sup> or any other question.<sup>84</sup>

MR. COM. CR. LANDS PRICE denied; he would give answer on some other occasion.<sup>85</sup>

COL. PRINCE as a friend of the House, begged the hon. member for Norfolk to confine himself to the subject immediately at issue<sup>86</sup>--why the clergy reserve question should be unsettled<sup>87</sup>, and not to give them a history of his political life, or of the whole Clergy Reserves question; as it has been debated for ten years, to his certain knowledge, and scarcely any one in either Upper or Lower Canada could be ignorant of it.<sup>88</sup> The hon. member who had spoken last had improperly entered into the early history of the question.<sup>89</sup>

MR. H. BOULTON intended to confine himself to the immediate question before



the House, but the fact was that the imp of darkness himself could not have stirred up more mischief than the hon. gentleman in his capacity of a simple attorney would do by bringing this question again before the country, and he would wish to be informed why a simple attorney had been allowed to do so? Why was it not taken up by the Attorney General? Why did not the Government take it up? Then there would have been a reasonable hope that it would be settled, and he would set the hon. gentleman right, who claimed to be the most honest member of that House, for there was no honesty in bringing the question up in such a shape, and setting himself in opposition to his colleagues in the Government. Was it to be supposed that his puny efforts would meet with fruition? He put it to the House whether they believed in their conscience, as honest men, that the pitiful motion of one weak member of the Government was going to settle this momentous question in opposition to the wishes of the Government? No, nothing of the kind. It was a mere attempt to increase his popularity in his own county, before another election would come on. What was the conduct of the Government, which now stood aloof with regard to the Clergy Reserves, previous to the late general election? If they reflect on it, the proceedings of that night ought to bring the blush into their cheeks, and would be duly estimated by the country. The hon. gentleman then referred to the statements made by Mr. Price, who, as he said had read garbled extracts from the journals of the Upper Canadian Parliament, to make it appear that he (Mr. B.) had belonged to the High Church and Tory party, whereas if he had read them at all, he would have known that he (Mr. B.) was the first constitutional lawyer, who had stood on the floor of that House, and moved a reconsideration of the Clergy Reserve question in opposition to the Imperial Government<sup>90</sup>, the first lawyer who upheld the principles in opposition to the whole Government, that these Reserves did not belong exclusively to the Episcopal Church<sup>91</sup>, the opinion that he had attributed to the judges of England.<sup>92</sup> That might seem like annoyance, and it was only not so, because his assertion was sustained by documentary proof.<sup>93</sup> He hoped that the House would bear with him while he vindicated himself, as it was of importance to him that hon. gentleman from Lower Canada, who could not be supposed to know a great deal about his former political life, should not form erroneous opinions with regard to it. Now he had been accosted (sic) of being a High-Churchman, and yet the first bill he had ever introduced into Parliament, was a Bill to enable all denominations of Christians to marry. Hear, hear.<sup>94</sup>

COL. PRINCE rose to recall the hon. gentleman's attention to the sole question before the House. They had nothing to do with his political opinions in former years. He wanted to get home and it would be impossible to do so if they wasted the time of the House in these discussions.<sup>95</sup>

MR. H. BOULTON had been attacked personally by the Hon. Commissioner of Crown Lands, and he insisted on his right to defend himself.<sup>96</sup>

MR. COM. CR. LANDS PRICE denied that he had made any personal attack on the hon. gentleman. He did not know what he alluded to.<sup>97</sup>

SIR A. MACNAB said the hon. Commissioner had certainly made no open attack on the hon. member for Norfolk, but had insinuated a great deal; and as he was not checked by the Speaker, the hon. member had a perfect right to reply.<sup>98</sup>

MR. MORIN the SPEAKER decided that Mr. Boulton was in order.<sup>99</sup>

MR. H. BOULTON said that the Hon. Gentleman in the covert way, with which he usually inflicted his stabs, had insinuated that he was like Sir Francis Burdett and others who had sneaked through a discreditable political life and sunk into a dishonoured grave; but he would repel with indignation and scorn every insinuation of the kind. A grosser falsehood had never been uttered to the prejudice of any public man than the attacks made on him. It was in his power, and he could prove that the most liberal measures of the Upper Canada Parliament were promoted or assisted by him, and however insignificant he might be, he was attacked on the floor

of that House. The hon. gentleman then quoted a high eulogy upon himself from a speech on the Clergy Reserve question, delivered by Mr. Bidwell, whom he characterised as an honest straightforward man that he would be glad to see sitting now on the Treasury Benches; asserting also that in that speech Mr. Bidwell only did him an act of simple justice. He (Mr. B.) had at that time declared his belief as a constitutional lawyer that the Clergy Reserves were appropriated for the support of all denominations of Protestants, and that the exception specially made in favor of the Church of England proved it clearly, and he repeated that opinion now with more boldness as it had been confirmed by the decision of twelve English Judges, and with that proof of his adhesion to the views of the Commissioner of Crown Lands, he defied that hon. gentleman to assert that he had ever been of a contrary opinion. He would not, however, take up the time of the House any longer on that subject, as he felt that he had vindicated himself in the face of the country, and he hoped that he would never hear it asserted again, that he had been the slave or the tool of any party. Now, with regard to the manner in which this question had been introduced, he asserted unhesitatingly that it was one of the most disgraceful pieces of claptrap ever attempted in any political body. It had been spoken of as a mere local question which any one could introduce. It was nothing of the kind. It was a question of the very highest importance demanding the whole energy of the Government, and yet the hon. gentleman had pretended to introduce it on his own responsibility, without obtaining the consent of the other members of the Cabinet. Would any honest man--would any moral man who really desired its settlement<sup>100</sup> come forward with resolutions like the hon. member had done, and state that he differed in opinion with his colleagues on such a question.<sup>101</sup> Would he not rather have withdrawn himself from the Government, and then, standing on the floor of that House as an independent member, declare his views to be opposed to those of the Government?<sup>102</sup> To say that the country needed his valuable services in the cabinet was, he would not say humbug, as that would not be parliamentary, but<sup>103</sup> it was so analogous to humbug, that he knew no other word which would properly describe it.--It was the duty of Mr. Price to leave the ministry, if his colleagues differed from him on so important a point, and put them in the position either of manfully opposing it or of voting with him. Why did he not do so? Simply because he wanted to keep up this sham fight<sup>104</sup> between the members of the Cabinet well worthy the anniversary of Waterloo.. He could only perceive a want of justice, morality and honesty in this pretended solicitude for the interests of the public; because if the address did pass in that shape, it was avowedly in opposition to the wishes of the Government, and when they were called on to advise the head of the Executive, whether it should be assented to or not, would it not have all the appearance of ((a)) trick to impose on the country. Why did not the Government immediately denounce this proposition? Why did they not vote him down at once as they did him (Mr. Boulton) the other day? Why, because they wanted to continue this sham fight a little longer, in order that all those bunkum speeches might go to the country, although they know perfectly well that the result would be the rejection of the proposition.<sup>105</sup> He then read from Hansard, the severe criticism of Sir Robert Peel, on the<sup>106</sup> new device for an incompetent administration of leaving questions open questions, or in other words show this was a bad principle and of a very injurious tendency. They (the ministry) might as well try to cover an elephant with a guaze (sic) veil as to attempt to hide their weakness.<sup>107</sup> He (Mr. Boulton) condemned ((this)) as utterly inconsistent with political morality. He believed it was not weakness which induced the Government to act in this manner; but it was that physical strength--distinguished from the strength of reason--which enabled them to carry any measure, however inconsistent and disjointed: it was the double majority system, which these men had heretofore so loudly blamed. This difference of opinion depended on the fact that there was a government for Upper Canada on some questions, and a government for



Lower Canada on other questions.<sup>108</sup> He considered the system destructive of the best ... ((interests)) of this Province.<sup>109</sup> If it were necessary to legislate on different principles for different parts of the Country, the responsibility of that difference should be assumed by the Cabinet. Let this be made a Cabinet measure and he would vote with pleasure for it in any shape in which it might be proposed.<sup>110</sup> ((He)) concluded by saying that he was dissatisfied with the manner in which these resolutions were introduced, as it was merely trifling with their time and the public interests<sup>111</sup>.

COL. PRINCE would give his decided vote against the resolutions of the hon. member<sup>112</sup> with great pleasure. He had listened to the sermon of the hon. Commissioner of Crown Lands with a good deal of attention, and he found that it was exactly the same as he had listened (sic) to for several years past, when this question was made a stalking horse for political purposes as it is now. It was on this very question that he had the honor of giving his first vote in the Upper Canada Parliament, where it had been agitated for years and he had at last hoped that it was settled definitely by the high tribunal to whom it had been referred<sup>113</sup> and taken out of our hands<sup>114</sup> as it was impossible for them to settle it themselves. On that account, and believing that its agitation now, would only disturb the country to no good purpose he was decidedly opposed to the motion.<sup>115</sup> He went on to say that though the last hon. speaker had alluded to the<sup>116</sup> impropriety of an hon. member being allowed to bring in a measure which should have been a government measure<sup>117</sup>, he had not pressed it on the House in the manner it deserved.<sup>118</sup> One of the supporters of the government, the hon. member for Montmorency, after two or three attempts had succeeded in making no quorum in the House. The hon. member who was then speaking should have had the precedence to-day<sup>119</sup> for discussing the measure he lost last night; but he gave that up to the government, because this was a government night, and yet they permitted the hon. member for the First Riding, to introduce a bill not a government measure<sup>120</sup> and he (Col. P.) thought it looked very strange that this measure, which was not a government measure, should come up.<sup>121</sup> It was evident, therefore, they desired to make it a government measure, and at the same time, knowing that they would be defeated, to throw disgrace on the whim or caprice of the hon. Commissioner of the Crown Lands.<sup>122</sup> The government had proclaimed their weakness and their disgrace in not making this question a government measure.... He read from an answer of Lord Sydenham to an address of the House in Upper Canada, to the effect that he congratulated it on the termination of the agitation which had for 20 years distracted the country. He contended that an old question should not be ripped up and<sup>123</sup> he would like to know if it was in the power of that House to rip up an act of the Imperial Parliament, passed in accordance with their own address. If they had that power then they could upset every Institution in the country, and in this consisted the difference between the Clergy Reserve question and that relating to the University. They could settle the latter among themselves, but after twenty two years legislation, they had found it impossible to settle the other, and were obliged to refer it to the Home Government, which had given a decision that he believed to be perfectly satisfactory to the people in his part of the country.<sup>124</sup>

MR. M. CAMERON (Kent) asked the hon. gentleman to relate what had passed at Chatham last year.<sup>125</sup>

COL. PRINCE replied that he remembered nothing but a vast amount of speechifying by that hon. gentleman and his hon. friend from Montmorency to a parcel (sic) of ragamuffins in their shirt sleeves (sic) some with breeches and some without--for there was scarcely a decent man among them--and that the hon. gentleman did not dare to move a single resolution, because he knew that he (Mr. Prince) was on his track. He should like to ask the hon. Commissioner as a lawyer, if he thought the House had the power to<sup>126</sup> unsettle an Imperial act, creating an endowment<sup>127</sup>, after it had been decided already by a higher power than themselves? for it should be



remembered that they were in reality nothing but a board of advice to the Imperial Parliament, which had a right to approve or annul their decisions at any moment, and therefore he ought to be careful how he ripped up this decision<sup>128</sup> and for the purpose of robbery<sup>129</sup> of depriving the Ministers of religion of the paltry pittance necessary to their support.<sup>130</sup> He (Col. P.) did not see why the hon. member might not worship his God in any manner he pleased without robbing the Church of England.<sup>131</sup> He called on hon. members from Lower Canada not to vote on this motion--he was wrong he hoped they would record their votes in support of<sup>132</sup> them (the Upper Canadians) in their<sup>133</sup> sacred rights of property and in support of the Imperial Statute. Their Church had rich endowments and vested rights, not arising perhaps from Acts of Parliament, but by grants from private individuals, or by the King of France, and if they assented to this proposition, he would ask them if it were not possible--<sup>134</sup> he did not wish to threaten--God forbid--<sup>135</sup> that it should be so<sup>136</sup> but he would intimate, and such things had happened before, that some<sup>137</sup> future Parliament might enquire by what right the Church of Rome held these lands<sup>138</sup> in Lower Canada. He repeated that such things had happened, and that this country was progressing. There was no telling what another House might do here.<sup>139</sup> Hon. gentlemen might smile, but if they would look back to the time of that worst of tyrants, Harry the Eighth, who was no more entitled to be considered the head of the Reformed Church than the hat of the gallant knight from Dundurn, who was the first English king that shed the blood of women--and observe the manner in which he stripped the Church of Rome of her possessions; he would like to know if the same thing was not likely to happen in twenty or thirty years in this progressive country. (Hear, hear.) He expected that they, who respected religion and who were on that ground entitled to his utmost respect, would not now sanction a motion that would strip the ministers of religion of the property settled on them by an imperial statute for their subsistence.<sup>140</sup> He (Col. P.) would always give them his support if their endowments were attacked in the same shameful manner that theirs (the Upper Canadians) were. He implored the House to pause before it attempted to disturb a charter.<sup>141</sup> He had already said that he looked upon this question as being permanently settled, as after legislating in vain among themselves they were obliged to leave it for decision to another power, and by a majority of eight--a majority that was not to be sneezed at in those times--the Imperial Parliament was requested to take up the question itself. It did take it up, and settled it; and if it were now disturbed again, it would be used as a stalking horse out of which to make political capital at the next elections, it would set the whole country on fire, and possibly be the means of exciting riots and rebellion<sup>142</sup> for aught he knew<sup>143</sup> in the hands of factious and turbulent men as the hon. Commissioner had said in his introduction.<sup>144</sup> God forbid that such should be the case, and that we should have another agitation.<sup>145</sup> He would therefore conclude with an appeal to them for God's sake to let it rest and apply to it the very pertinent remark of the hon. member for London that it would be injurious to the common wealth to revive it again.<sup>146</sup> He should sit down and in doing so would call upon the House to respect vested rights, and the property of the Church of England.<sup>147</sup>

MR. H. SHERWOOD (Toronto) complained that Mr. Price had unnecessarily taken up the time of the House in reverting to the Clergy Reserves. He contended that the question was settled and that there had not been one petition calling upon the House to take it up. He showed to what disastrous results the agitation would lead.<sup>1</sup> ((He)) had hoped that after ten years quiet, this question would be allowed to rest, and that no effort would be made to bring again into active operation the heart burnings and animosities which had attended its agitation some years ago.--He was therefore the more disappointed now to find that hon. gentleman who vaunted his zeal for the peace and welfare of the country, ready to excite them to an agitation that would last for twenty years to come. For himself he had always entertained opinions on this subject different from those of the hon. gentlemen with whom he had general-

ly acted. He had always believed that these Reserves did not belong exclusively to the Church of England; and when Mr. Thompson was Governor General he had taken up a bill which Mr. Draper threw on the floor of the House, and submitting for the peace of the country to mortifications that he would have never submitted to under other circumstances, carried through the House<sup>149</sup> and for which he had received the thanks of the head of the government<sup>150</sup>. But it was his belief, so long as one acre of that land was in the possession of the Church of England, there would always be found such men as the mover and seconder of those resolutions to make political capital<sup>151</sup>, excitement and agitation<sup>152</sup>, out of it. Now, admitting that the Imperial Parliament were to accede to this address, would any person suppose that those honorable gentlemen would allow the present incumbents to enjoy the allowance which it says they shall not be deprived of?<sup>153</sup>

MR. INSP. GEN. HINCKS--Yes, of course they would enjoy it.<sup>154</sup>

MR. H. SHERWOOD--Certainly not.--The hon. gentleman would keep that in store as a sort of little Clergy Reserve Bill, out of which to make political capital whenever he thought fit.<sup>155</sup> It had been given as the opinion of some of the most eminent lawyers at home that the Reserves were the property of the Churches of England and Scotland<sup>156</sup>. The Act for the settlement of these Clergy Reserves did not assert that they belonged exclusively to the English Church, not yet did it set forth that they were the common property of all sects of Protestants, but that they were granted for the support of the established Churches of England and Scotland<sup>157</sup> and in the settlement which had been made, they had got the largest share<sup>158</sup> and he should ever oppose any attempt to deprive those churches of the assistance which they receive.<sup>159</sup> He had consented to the division of the Reserves. It was not because we would not settle the question here, that it was sent home. We did settle it and passed an Act by majorities of both branches of the Legislature which did so.<sup>160</sup> After the passing of that Act an order in Council was framed for the purpose of withdrawing forty per cent from the receipts in order to defray the expenses of the management; and the Government made such good use of this forty per cent, that the Clergy of the English Church became alarmed lest the whole should be eaten up by the hosts of agents and other officers employed by the Government. The consequence was, that they sent in hundreds of petitions praying that the management might be given into their own hands, and although the report presented by him from a select Committee in their favor, was not adopted by the House, he hoped the Attorney General would not now forget the kindly feeling which actuated him then, when he (Mr. Baldwin) warned him to take care that the House did not interfere with the Clergy Reserves again. He denied, however, that they had the power to do so now, although they had the power at one time to say whether these churches should or should not be endowed. He wished next to call the attention of the Att. Gen. East to the course taken by Lord Sydenham after he had seen the Upper Canada Clergy Reserve question settled. It was found that the claim of the Priests of St. Sulpice to the Island of Montreal was not settled on a satisfactory footing and that they were not enabled by law to collect their rents. Well an ordinance was passed by the special Council settling what there (sic) rights as seigneurs were, and under that ordinance they were now in the enjoyment of that splendid endowment. Now, what are the terms of that ordinance? That it shall remain permanent and in force till it is altered by some other competent authority? Why, the Parliament of Canada, which under that ordinance itself had at any time the power of depriving the Priests of their rights.<sup>161</sup> He did not wish to take it away from the Seminary but only to show that it held its property on a more trifling tenure than they did in Upper Canada.<sup>162</sup> But no person had ever attempted to raise his hand to despoil them, and he hoped, for his part, that they would enjoy them forever; and if they were to be considered sacred, was it not apparent that these Reserves, secured to the Clergy of the English and Scotch Churches, by a higher power than a mere ordinance of the Special Council, ought to be held



equally sacred. If not, if a question were to be raised in Upper Canada, as to the title by which those lands were held, was it not possible that a single enquiry might be instituted in Lower Canada, and in view of such a possibility, he would put it to that hon. gentleman and his countrymen from the Lower Province, if they can reconcile themselves to join with the unhallowed hand, that, paying no attention to the most sacred of all rights, might be turned against them at any moment?<sup>163</sup> He did not wish to say that the members from Lower Canada should not have the right to vote on this question, but that they should be guided by sound discretion.<sup>164</sup> He trusted that they would record their votes with him against the motion, and thus earn the gratitude of all truly conscientious men.<sup>165</sup> The government would not take upon itself the unhallowed scheme but left it to the hon. member who had moved the resolutions.<sup>166</sup>

MR. PAPINEAU had seldom witnessed so much<sup>167</sup> shuffling<sup>168</sup>, trickery and meanness as in the course of the Government on the present occasion. They allowed one of their number to come before the House proclaiming that the public peace was in danger, and that there was no other subject of such magnitude to engage their attention, and while making such avowals they stand aside as a government, on the one hand making favor with the ... people by the individual member, and on the other keeping well with the authorities in Downing Street<sup>169</sup> ((making)) out in England that they were the friends of the church .... The hon. member contended that the voluntary principle was essentially a protestant principle and should always have been observed if there had been sincerity in those countries which have adopted the protestant faith.<sup>170</sup> The question had always been considered of much importance by the people of Upper Canada, and large majorities of their Parliament had decided in favor of the mode of settlement at present proposed. One of the members of the Government had spoken of the vote given by a member opposed to them. Why had he not spoken of the votes of those on his own side? Why was there a deficiency in the facts and statistics given; figures were more eloquent than ministers--and more true--because they could not lie, whereas ministers could seldom tell the truth.<sup>171</sup> The hon. member went on to condemn the conduct which England had universally observed towards her colonies.<sup>172</sup> The people of Canada had been robbed of a million of acres by the constitutional act of 1791. It was passed by the King without consulting the people's representatives: it taxed the people of the Province, although it had been determined that no tax should be laid on the inhabitants of any colony, in order to build up an alliance between Church and State. It was more atrocious still in Lower Canada, where there were far fewer belonging to the Church to whom the lands were given. There too, where the majority did not seek to connect Church with State, asking not what was men's opinions, but only seeking to secure good civil government to all. In the United States that principle had changed the very face of nature, and in France had been adopted and been productive of much good. The want of that toleration in England had been productive of the greatest evils, as it had assisted in keeping up the aristocracy, and in making servile tools for the administration of the day. France had learned better and secured to all who settled in Lower Canada free toleration to all. It had indeed carried it to that degree that the Rabbi or the Protestant Clergyman was better paid than the Catholic Clergyman because being bound to celibacy, he had not the expenses of a family. One of the main causes of the loss of the 13 colonies was the attempt to establish the Church of England there, and from the act of '91, which was an attempt of a similar character, had followed so much evil that it was only ten years ago that the matter was settled finally, as then considered.<sup>173</sup> It was an absurdity for the hon. member for Toronto to tell them that he had settled the question; he ridiculed it.<sup>174</sup> Finality in politics was, however, too absurd to be seriously contemplated by any one.<sup>175</sup> He also ridiculed the argument of Col. Prince that they should not attempt to get a statute abrogated if it were obnoxious.<sup>176</sup> The hon. member for Essex in the homily



he had read to them, had prayed them not to disturb the vested rights of the Church of England, not to rob her; the hon. member had said nothing, however, of the Church of England robbing<sup>177</sup> other churches.<sup>178</sup>

Cheers, in which the gallery joined.<sup>179</sup>

MR. PAPINEAU ((continued:)) That member had also presented a petition the other day to interfere with the most important vested rights.<sup>180</sup> He contended that a greater injustice had been done to Lower Canada by the Clergy Reserves than Upper Canada, as from the first the majority of the Lower Canadians were Catholics, when the grants were made.<sup>181</sup> Mr. Papineau then reverted to the constitutional act, which he said was intended by Pitt and Grenville to establish a hierarchy, to be followed in due time by an aristocracy. In Lower Canada, the aristocracy had been cheated with promises of titles and honours which were never fulfilled, and in Upper Canada the Family Compact had been brought into deep embarrassment of affairs, and even to utter ruin, by trusting to the promises which England was unable to fulfil. The Legislature of Upper Canada, as he had ample means of knowing from his acquaintance with leading members of it, was composed of men universally seekers of office or of grants of land; it was not so in Lower Canada where there was no land to be given by government. By this means the vote of almost every member, on particular matters was at the command of government, for if there were any particularly scrupulous there was (sic) always busy bodies of the Council ready to whisper in their ears, that any amount of land could be had by those who would be pliable. Many a time had the friends of popular rights been saddened and disappointed by seeing men thro' these means voting against their solemn pledges. It was under the pressure of these circumstances that the Parliament went to the Home Government to ask them to settle this question, to resume the powers they were not able to exercise properly. After objections by Lord John Russell,<sup>182</sup> ((who)) had doubts if he should entertain it at all on the ground that it was unconstitutional, an opinion to that effect having been given him by the judges<sup>183</sup>, the Bill was passed. A portion was allotted to the Church of England, and a portion to the Church of Scotland. One circumstance which showed the absurdity of the doctrine of finality, was, that since that time a large majority of the latter Church had declared that they could not accept any support from the state and had left the Church on that ground; yet the Church, though not possessing half its former numbers, was to continue to receive its allowance. It was monstrous to say that we could not go to the Imperial Government and ask, that the power we had voluntarily given up, with too much precipitation, which never could be properly exercised abroad, should be restored to us. The worst feature in the present settlement was, the power that was given to the crown to grant the residue of the money to any denomination they chose. Such a provision appeared to have come from St. Petersburg. What was it but giving the power to the Government after giving to a sect one year, to give it to another the next, who would be more complaisant to them. The members from Lower Canada had been warned that they might expect an encroachment on the endowment of the Roman Catholic Church of Lower Canada, if they voted for this measure. The endowment of the Roman Catholic Church was beyond the laws of expediency and the control of Parliament; it was secured by solemn treaties and international arguments; it could not be touched unless England did violence to her solemn pledge, and forfeited her honor<sup>184</sup> and ... faith<sup>185</sup> or if the Roman Catholics did not forget what they owed to those religious bodies to whom they owed so much.<sup>186</sup>

MR. MCCONNELL said that the Jesuits' Estates had been taken away.<sup>187</sup>

MR. PAPINEAU resumed--The Jesuits had been driven from France, and so he supposed they would have been driven from Canada had it belonged to France. It was true that in France their endowments would have been given to other religious

bodies; it was reserved for the latitude of Canada to use the moneys devoted to religion to build barracks for soldiers. It had been said that the restoration of their rights to the Seminary of Montreal was an act of goodness and justice. It was not so; it was an act of tyranny and spoliation, which the gentlemen of the Seminary had submitted to, as the passenger robbed on the highway resists not the strong and armed robber. The Seminaries were not like the Church of England in Upper Canada. What had they ever done in recompense for their one-seventh of the lands of the Crown? Nothing but pray for those who did not ask them to do so. Not so the Seminary of Montreal. On one occasion among others, in the year 1892 (sic), when the City of Montreal was threatened with attack by the Five Nations, with the money they drew from France, they built walls around the town and bought arms to defend it. It was by actions as well as prayers that they had served their country. The establishment in Lower Canada was put on a footing which secured the respect and love of those who lived under it. The tithe so called was taken in the fairest possible way; only the 26th part of all the afriaceous grain was exacted, the produce of the meadows, the roots were untaxed, and none who did not belong to the Church were ever called upon to contribute to its resources. He considered that the voluntary principle was as certainly a Protestant principle as the Establishment was a Roman Catholic one. When the Reformation gave the utmost freedom of belief, it followed that every one should have the right to support what Church he chose with his contributions. The Reformation had been for the Roman Catholic Church as well as the Protestant.<sup>188</sup> It had freed the human mind from shackles; and had done unbounded good.<sup>189</sup> There was after that no danger of a Pope placing his foot upon the neck of an Emperor, or of the claim being set up by Rome that she could loose the subjects of other nations from their allegiance.<sup>190</sup> The day was past for trembling before the thunders of the Vatican.<sup>191</sup> So he said political good had flowed from the Reformation by freeing the human mind from submission to a power which though requisite to them as Catholics should never be applied to politics. It was the system common to the Church of Rome, each man gave what he could afford to the support of his priest. In years of scarcity it might be that the poor man's gift was only a handful, perhaps nothing, but his deficiency was compensated by the donation of the rich who possibly gave twenty bushels. And that system would necessarily continue in force so long as the great majority of the people had faith in it; and any attempt to interfere with it would be nothing but an undue usurpation of power. On the other hand-- and it was not with a desire to cast injurious reflections on the Church of England that he said this, for it had produced men renowned for virtue, merit and learning-- but it was notorious that it had been made use of for repairing the shattered condition of a reckless nobility, who had ruined themselves by hunting and racing; and while their horses bore the weight of the Church in safety over the hedges, their agents were wringing £30,000 or £10,000 a-year from a miserable set of paupers in<sup>192</sup> Ireland<sup>193</sup>, a country in which they never set a foot, and in which they had no congregations. Must that notorious abuse be introduced here? Must one-seventh of the public lands be set apart for the exclusive advantage of a small minority of the population? It might have the effect of creating ministers, but it most certainly would not have the effect of drawing congregations: for it was natural for the people to think that the minister who obtained his support in such a manner, would not be a very pious or very good man. He would most willingly abstain from voting on this question, if it were in his power to do so, but he did not think he would be justified in absenting himself from the discussion of any motion, more particularly when it was intended to restore to them the rights of which they had been robbed by an Act of the Imperial Parliament; by an act of brute force. He considered himself bound to defend the rights of every man of whatever race, religion, or complexion he might be--whether Jew or Infidel, and he took pride to himself when he reflected that twenty-five years ago his countrymen of Lower Canada had freed themselves from the bonds of religious prejudice, and as-



served the equality of the Jew, and his right to enjoy all the civil and political rights of a freeman. It was a subject of gratulation to which he often turned his own thoughts, as he thanked God that his countrymen, the benighted, the ignorant, the Roman Catholic French of Lower Canada, had no bench of Bishops to impose on them their narrow minded, bigotted prejudices; but obeying the dictates of their own consciences had been the first and gone the farthest of all the colonies of Britain, in recognising and proclaiming to all the world their love for religious toleration and religious liberty.<sup>194</sup>

MR. INSP. GEN. HINCKS could not give a silent vote.<sup>195</sup> It was evident from the course of the debate that the resolutions were to be opposed by two parties. Those who were determined to prevent a satisfactory settlement and opposed any alteration, and another section, who pretended that the resolutions did not go far enough, and wanted to take some other course. Among the first was the honourable member for Essex who had grounded his opposition on a supposed interference with vested rights. All that he could say was, that he should be extremely reluctant to interfere with what he considered vested rights. He did not mean to say that in some cases it would not be expedient, and it could be shown that there were instances of statesmen of the highest rank having done so. He need only refer to the course pursued by Lord John Russell towards the Irish Church. He repeated he had a great reluctance to interfere with vested rights, and he gave his support to those resolutions from a conviction that they could be said to do so. He referred to this because there was an evident desire to make it appear on the part of certain hon. gentlemen that they were framed with that intention. Whereas the very fact that the Act of Geo. Third setting those lands apart was liable to be repealed by a Provincial Parliament, showed very clearly that they were never vested in any particular body. His hon. friend had gone at great length into a history of the question, and he believed that not one of his statements could be disputed. In fact, the journals of the Upper Canada Parliament proved clearly what was the state of feeling on that question, and that not one party merely but all parties had entered into that feeling. The hon. member for Toronto had stated that from the first time his attention had been directed to the question, he was convinced that these lands had not been set apart for the use of the Church of England alone, and yet he appeared to think that it had received a final settlement. Now he had read the opinions of the twelve judges, and it was evident that they did not mean that the churches of England and Scotland should alone derive any benefit from the Reserves, but that all Protestant Churches should participate in them; and he could not understand how it was possible to include them in accordance with the meaning of the Act, or how it could be asserted that a satisfactory settlement had been made. For, the revenue arising from the lands sold previous to the passing of that Act, amounts now to £17,000 a year, while the revenue proceeds from the lands sold since it was passed is only £6,000--only one-half of which could be appropriated to the support of the Clergy of other denominations. He could not conceive how any person could say that was an equitable arrangement. It had been pretended that the Imperial statute was based on the Provincial Act. Now, that statement could not be allowed to pass, for there was the widest difference between them, as the Provincial Act did not make any distinction as to the different denominations, whereas a distinction had been made by the Imperial Act. But it would be much better if it had never been referred to the Imperial Parliament; and he would here observe with regard to the alleged difficulty in settling this question, that a difficulty would never have arisen if the Province had possessed a constitutional form of Government. (Hear.) Year after year bills passed the Lower House, and were invariably set aside by the influence which the Executive brought to bear on the other branch of the Legislature, and in consequence of the great power possessed by the advisers of the Head of the Government which enabled them to defeat the wishes of the House of Assembly. If it were not for that antagonism, there would have been no difficul-



ty whatever in settling it. Some objections had been made to the resolutions because they had not been embodied in a bill, and he perceived that one hon. gentleman had given notice of such a bill. Now, he thought it must be obvious to every one that it was impossible for the house to proceed by Bill, and that the course taken by his honorable friend was the only one in their power to adopt. If hon. gentlemen deluded the people, by saying that it was in their power, merely in order to carry out their own views they took a very great responsibility on themselves, and they might be confident that the people would at last find out the erroneousness of the statement. Then with regard to the claims of the present incumbents, the honorable member for Toronto was of course at liberty to form his own opinions with regard to the motives of himself or his hon. friend, but from anything that had been said he thought it was impossible to show that they had the slightest desire to interfere with the present incumbents. So far from having any idea of the kind, or having been inclined to give his vote for it, he declared it to be a monstrous proposition, and one that would be characterized by cruelty and dishonesty, when it was remembered that many of the Clergymen of this Province came out from the mother country in the full belief that their incomes would be continued to them. If these resolutions became law, the House would of course feel that the faith of the Crown was pledged to these gentlemen, and he was convinced that no one would think for a moment of breaking it. The hon. gentlemen might feel perfectly easy, as it would not in fact be in the power of any party to interfere.<sup>196</sup>

MR. H. SHERWOOD--It would be a case exactly similar to the present.<sup>197</sup>

MR. INSP. GEN. HINCKS--Of course; and it is not in the power of any one to make a change now; and he was not afraid that a single individual would be found, willing to oppose the rights of those incumbents if an imperial Act recognised them. Having been absent from the House when the member for Norfolk was speaking, he had not the opportunity of hearing that hon. gentleman's objections, but he was told he had said that these resolutions would have no effect as they were not introduced by the government.--Now, he was of opinion that the Home Government would never inquire by whom they were introduced, but would respect the opinion of that House if it passed them. Of course it would have been more satisfactory if they could have been introduced with the united strength of the Cabinet but that was impossible as the Cabinet was not unanimous in its opinion on this question. With respect to the objections made to the introduction of this measure last Session, about which he had no doubt a great deal was said, he could only say for his own part that his opinions had never varied, that he was always convinced that no satisfactory settlement was as yet arrived at, and that he took it up in the manner he thought best; and he cared very little for the opinions that some persons had seen fit to express, for those who were best acquainted with him, knew that he was perfectly sincere, and that his opinions had always been the same.<sup>198</sup>

MR. WILSON went over the statistics<sup>199</sup> of the sales of the clergy reserves<sup>200</sup> which had been given by previous speakers. His opinion had always been that the whole Clergy Lands belonged, by the Constitutional Act, to the Church of England; when the Judges of the Queen's Bench in England gave their decision, however, he had given into their decision. It was an exceedingly difficult matter to decide what arrangement should be made among the other bodies; the Church of Scotland had received its share, but it had since been split up; one portion of the seceders from it believed that it was lawful, but not expedient, to take money from the State; and an other, that was neither lawful nor expedient. Other denominations were in the same position. The Baptists would not accept it at all. Mr. Wilson then proceeded to quote the first resolution, which declares the original appropriation unjust, and then from the 30th, which recommends grants under it to the present incumbent, either for a term of years or for life. If the first appropriation was wrong why did they suffer them to remain? Why not sweep them off at once? He agreed with the member for St. Maurice, that no settlement of the question could

be final.<sup>201</sup> There could be ... ((no)) fixed allotment as the sects would be always increasing or splitting up into new divisions.<sup>202</sup> The Church of Scotland had changed its position: the Methodist New Connexion had done so also, and no arrangement could continue for all time. It was said that they were going to set the question at rest, but it was no settlement, if they did not stop the grants at once, the question would still be open. He thought that these grants for life would be refused by the Church of England, and had no doubt, that they would be better off without than with them.<sup>203</sup> It would be better to ship the incumbents off at once; and perhaps this might be the best course to take (hear, hear), and take the endowments away from the churches altogether. But that course seemed hard and he had not quite made up his mind<sup>204</sup> upon the matter as to the proper way to settle it; he could not, however, vote in favour of the resolutions with that provision in them, but was obliged to acknowledge that he was unable to suggest better. He thought that in this case the member who introduced the resolutions would be like the man and his ass--he would please nobody, and would lose his ass.<sup>205</sup>

MR. SOL. GEN. MACDONALD would ask hon. members if when they were elected there was one subject more than another that had engaged public attention, was it not the Clergy Reserves; the unsettled and unsatisfactory state of which was of such notoriety, as to render petitioning unnecessary. Still, petitions and addresses had been presented from year to year, and he would tell the House that as far as his experience went, unless they satisfied the people they were in earnest, and gentlemen were prepared to carry out those principles upon which they were in many instances returned he should like to see them go back to their constituents at their next election. The public he said, was no longer to be trifled with.<sup>206</sup> It was a pity that the question had not been settled before the Imperial Act of 1840, which stared them in the face at every turn.<sup>207</sup> Year after year formerly, attempts had been made to produce a satisfactory settlement of this question; and the efforts had been met by the Legislative Council, who treated the wishes of the people with contempt. The measure which was introduced in 1839, might well satisfy the gentlemen who brought it in, because it gave the lion's share to his own church--it appropriated two-thirds of the Clergy Reserves to the Church of England, and one-third to the Church of Scotland. Did the learned member think that such an arrangement would satisfy the people? Since that period the Church of England received in one year from the Clergy Reserve Fund £10,000, while the other denominations did not obtain one penny. In 1791, when the Province of Upper Canada was established, one-seventh of all the lands in the country, was granted to the Church of England, to the exclusion of every other denomination and so continued till 1827. Before that time, lands were of no great value; but since that period, as the country became settled, it was found that every where there were blocks of land shut up in this way; which were every day becoming more valuable, and which people who had fought in defence of their country and who performed their duty as good subjects found was the property of a church in which they did not believe. Was it surprising therefore that people who were so treated should become dissatisfied. The House had been told that it would not interfere with an Act of Parliament; but as he had been proven in more than one instance, these Acts were not considered final. There must be some sort of mesmeric influence which he Mr. McD. did not understand, by which members who were returned for their liberal principles, were subsequently found willing to sell their country. Of the revenue since 1840 derived from the Clergy Reserves of which the Church which certainly had claims, received by other protestant denominations, and £600 about one-third: after proportions had been received by the Roman Catholics, the balance remained in the hands of the government with which if they were so disposed its members might act corruptly at any coming election. In discussing a question of the description then before the House, members are supposed to express the opinions of their constituents; and he believed there were very few who were in favor of the establishment of a state church in this Province; which is universally viewed with



dissatisfaction.--Members were expected not only to support their own views and that of their constituents, but of the people of the country at large; among whom it was evident there would be no satisfaction until the Clergy Reserve question was settled upon equitable principles. The member for London Mr. Wilson had said he would not vote for the Resolutions.<sup>208</sup>

MR. WILSON said if the propositions which were laid down in these Resolutions had been correct, he would have voted for them.<sup>209</sup>

MR. SOL. GEN. MACDONALD continued, the learned gentleman objects to the recognition of vested interests in the incumbents. While he (Mr. McD.) denied the existence of any such vested rights, a due regard must be had to the interest of incumbents who had held under them so long; and the last clause of the Resolution more particularly had for its object to respect those rights. It had been contended that the House should have proceeded by Bill and not by address. But did gentlemen suppose that the British Government would permit a Bill to become law, which would sweep away an Act of the Imperial Parliament. If this could be done in one instance, it might be effected in others; a proceeding to which the Home Government would never consent. Those gentlemen therefore, who were desirous of proceeding by Bill were not sincere in their professions of liberty with reference to the Clergy Reserves; or they would never substitute for a measure which might be adopted with unanimity, and which would not be in opposition to that of the Imperial Parliament, a Bill which they knew could not receive the Royal Assent.<sup>210</sup>

MR. ROBINSON spoke in so hurried a manner, that it was difficult to understand him. He was understood however to say that<sup>211</sup> the hon. member had let out a secret in talking about satisfying people at the hustings.<sup>212</sup> Members should beware of giving pledges, the effect of which was to agitate the country, relative to a subject, which was kept as a sort of political hobby horse, on which to ride into Parliament, and which in ordinary times is not heard of in the Upper Province. The learned member for London said, he did not see any way in which the question of the Clergy Reserves could be properly settled. The reason Mr. Robinson said is very plain, as an honest man he did not understand how any man or body of men could be deprived of their rights. The learned gentlemen, who had just spoken, had said that a proportion of the Clergy Reserve fund might be used by the government for corrupt purposes. But that might be avoided without interfering with the Act of the Imperial Parliament, the preamble of which, decides it to be the final settlement of the question. Would the people of Lower Canada, he would ask, be satisfied if the rights of the Roman Catholic Church in that portion of the Province were interfered with? In Western Canada, he said, the Churches of England and Scotland, the Methodists and the Roman Catholics, were all satisfied with the question as it has been settled, and the present appropriation, large as it is, does not give more than one Clergyman to every township in the Province; and in some of them more than one was required. He should vote against the resolutions.<sup>213</sup>

MR. RICHARDS did not believe the question had been settled satisfactorily to the people of Upper Canada. As he understood the question, an Act was passed by the Provincial Parliament, to induce the Imperial Government to take upon itself the settlement of the question--which not receiving the royal assent, another was passed that was less objectionable; but the Act of the Imperial Parliament which followed, had no reference to what had been proposed, and passed another to meet its own views. The House was therefore justified in applying for a settlement which would be satisfactory to the people of Upper Canada. The question to be determined was, as to which is the best course to pursue. Some gentlemen were for proceeding by a Bill at once. If they were correct in their views, it then became a mere question of time. But whether the House proceeded by address or by bill, it was desirable they should act harmoniously. The question was one peculiar under



their controul, and they ought to decide; and if there were existing rights, they should not be disturbed. It was very desirable in settling this question, that the House shall proceed in unison with the views entertained in England, where it is known they pay great regard to vested rights; the government of which, on referring the subject back to this country for settlement, would only do so on condition that the rights of individuals should be respected. If gentlemen, therefore, were sincere in their support of the Resolutions, they would take them with the proviso; and also if they were desirous of putting an end to an agitation which had existed during the last twenty-five years, and which would continue twenty-five years longer, if the question were not satisfactorily adjusted. He (Mr. R.) would not say the learned member for London was not correct in the opinion he entertained, that the Clergy Reserves were originally granted to the Church of England; but if the appropriation was found to be unsuited to the people, they have a right to have it altered. It was intended for the benefit of the people of Canada; and unless that principle were carried out they would not be satisfied. He, (Mr. R.) was not prepared to say the Clergy Reserves were made a test question; because the views of public men were well known, and the manner in which it was settled under the Imperial Act was known to be generally unsatisfactory; and by which a portion of the fund remained at the disposal of the Executive Government of the day. Then it had been argued by the learned member for London, that there were no individual interests involved--but those of congregations. But when the clergyman quitted a congregation he took his allowance with him, and it therefore became a specific appropriation. The proportion of the Clergy Reserves belonging to the Methodists was transferred to the Conference in England, and there may be engagements that have been entered into by that body, on the strength of the income to be derived from that branch of their revenue. It was only reasonable therefore to allow them time to cast about, and see how they were to provide a substitute for the funds they had hitherto derived from the revenue. As to the Church of England, whose members, whether as regarded wealth, influence and intelligence were second to no other in the Province; he did not understand upon what principle she is entitled to additional funds. And upon every principle of common honesty he put it to the House, whether all denominations of christians should not be placed on the same footing, and whether any sense of inferiority should exist.<sup>214</sup>

(73)

*Mr. Sherwood of Brockville moved, seconded by the Honorable Mr. Cameron of Cornwall, and the Question being put, That the Debate be adjourned until to-morrow; the House divided:--And it was resolved in the Affirmative.*

Orders deferred.

Ordered, That the Orders of the day be postponed until to-morrow.

*Then, on motion of Mr. Sherwood of Brockville, seconded by the Honorable Mr. Cameron of Cornwall,  
The House adjourned.*

((NOTICE OF MOTION RE: AMENDMENT OF CONSTITUTION.))<sup>215</sup>

MR. ROBINSON gave notice of his intention to move the following amendments to Mr. Boulton's resolutions on the Constitution:--

1. That this House is deeply sensible and grateful for the inestimable advantages derived by this Province from its connection with the United Kingdom of Great Britain and Ireland, under a Constitution as nearly resembling that of the Parent State as the difference of circumstances admits:

2. That under this Constitution, Canada has advanced to a high degree of prosperity, and its inhabitants are in the enjoyment of civil and religious liberty; and by just and equitable laws, are fully protected in life, person, and property:

3. That this House takes the opportunity, upon the introduction of propositions of a Revolutionary and Republican character, to declare its firm attachment to the Crown and Government of Great Britain, and its determination to maintain the connection with the Mother Country unimpaired, by whomsoever it may be assailed:

4. That this House marks with decided disapprobation and reprehension all such attempts to disturb the Constitution, as tending to agitate the public mind, to strengthen the erroneous impression which now exists in Great Britain, that Canada desires to sever its connection with the Empire, thereby preventing the introduction of British Capital into the Province, and diverting the tide of Emigration from Great Britain to other and more quiet countries:

5. That an humble Address be presented to Her Majesty founded on the foregoing Resolutions.

The reading of the Resolutions was received with loud cheers from both sides of the House.<sup>216</sup>

((NOTICE OF MOTION RE: BILL TO ABOLISH IMPRISONMENT FOR DEBT.))<sup>217</sup>

MR. WILSON gave notice of a Bill to abolish imprisonment for debt, in all cases except when fraud has been committed.<sup>218</sup>

((NOTICE OF QUESTION RE: MACADAMIZED ROAD ON ISLE PERRAULT.))

MR. MONGENAIIS gave notice that to-morrow he will ask the Administration if it is the intention of the Government to finish the macadamized road on the Isle Perreault; and also if it is the intention of the Government to construct a bridge over the river between Vaudreuil and Ste. Anne.<sup>219</sup>

FOOTNOTES: 18 JUNE 1850.

1. The following papers reported the debate on this matter in partially identical accounts: NORTH AMERICAN, 21 June 1850, BRITISH COLONIST, 21 June 1850, EXAMINER, 26 June 1850; HAMILTON SPECTATOR, 22 June 1850, NORTH AMERICAN, 25 June 1850, PILOT, 25 June 1850, ST. CATHARINES JOURNAL, 27 June 1850, and PACKET, 29 June 1850. The debate was also reported by: MONTREAL GAZETTE, 24 June 1850; and MORNING CHRONICLE, 24 June, copied from MONTREAL HERALD, of unknown date. EXAMINER, 19 June 1850; KENT ADVERTISER, 27 June 1850; and LA MINERVE, 24 June 1850, noted the debate. Commentaries appeared in PILOT, 22 June 1850; and MONTREAL GAZETTE, 25 June 1850.
2. MORNING CHRONICLE, 24 June 1850.
3. EXAMINER, 19 June 1850.
4. NORTH AMERICAN, 21 June 1850.
5. MONTREAL GAZETTE, 24 June 1850.
6. NORTH AMERICAN, 21 June 1850.
7. MONTREAL GAZETTE, 24 June 1850.
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13. MONTREAL GAZETTE, 24 June 1850.
14. NORTH AMERICAN, 21 June 1850.
15. IBID.
16. IBID.
17. MONTREAL GAZETTE, 24 June 1850.
18. NORTH AMERICAN, 21 June 1850.
19. MORNING CHRONICLE, 24 June 1850.
20. NORTH AMERICAN, 21 June 1850.
21. MORNING CHRONICLE, 24 June 1850.
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25. MORNING CHRONICLE, 24 June 1850.
26. NORTH AMERICAN, 21 June 1850.
27. MORNING CHRONICLE, 24 June 1850.
28. MONTREAL GAZETTE, 24 June 1850.
29. NORTH AMERICAN, 21 June 1850.
30. MORNING CHRONICLE, 24 June 1850.
31. NORTH AMERICAN, 21 June 1850.
32. MORNING CHRONICLE, 24 June 1850.
33. NORTH AMERICAN, 21 June 1850.
34. MORNING CHRONICLE, 24 June 1850.
35. NORTH AMERICAN, 21 June 1850.
36. IBID.
37. IBID.
38. MORNING CHRONICLE, 24 June 1850.
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42. MORNING CHRONICLE, 24 June 1850.
43. NORTH AMERICAN, 21 June 1850.
44. MONTREAL GAZETTE, 24 June 1850.
45. NORTH AMERICAN, 21 June 1850.
46. MONTREAL GAZETTE, 24 June 1850.



47. NORTH AMERICAN, 21 June 1850.
48. MONTREAL GAZETTE, 24 June 1850.
49. IBID.
50. MORNING CHRONICLE, 24 June 1850.
51. IBID.
52. IBID.
53. NORTH AMERICAN, 21 June 1850.
54. MORNING CHRONICLE, 24 June 1850.
55. NORTH AMERICAN, 21 June 1850.
56. MONTREAL GAZETTE, 24 June 1850.
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64. MONTREAL GAZETTE, 24 June 1850.
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71. NORTH AMERICAN, 21 June 1850.
72. MORNING CHRONICLE, 24 June 1850.
73. NORTH AMERICAN, 21 June 1850.
74. MORNING CHRONICLE, 24 June 1850.
75. NORTH AMERICAN, 21 June 1850.
76. MONTREAL GAZETTE, 24 June 1850.
77. NORTH AMERICAN, 21 June 1850.
78. MORNING CHRONICLE, 24 June 1850.
79. NORTH AMERICAN, 21 June 1850. MONTREAL GAZETTE, 25 June 1850 commented that Mr. Price "preached the sermon, and it was ridiculous and inconsistent enough, and provoked a few jibes. The hon. member spoke in a very deep-toned melodramatic manner--put his hand upon his heart (or where it is commonly supposed to lie) and shook his head in a solemn manner much oftener than needful. This might have done very well in actual preaching, in a tub or in a conventicle, and I would not have found fault; but in the House of Assembly it was ridiculous, and made folks laugh at him."
80. MONTREAL GAZETTE, 24 June 1850.
81. NORTH AMERICAN, 21 June 1850.
82. MORNING CHRONICLE, 24 June 1850.
83. NORTH AMERICAN, 21 June 1850.
84. MORNING CHRONICLE, 24 June 1850.
85. MONTREAL GAZETTE, 24 June 1850.
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89. MONTREAL GAZETTE, 24 June 1850.
90. NORTH AMERICAN, 21 June 1850.
91. MORNING CHRONICLE, 24 June 1850.
92. MONTREAL GAZETTE, 24 June, 1850.
93. MORNING CHRONICLE, 24 June 1850.
94. NORTH AMERICAN, 21 June 1850.

95. IBID.
96. IBID.
97. IBID.
98. IBID.
99. IBID.
100. IBID.
101. MONTREAL GAZETTE, 24 June 1850.
102. NORTH AMERICAN, 21 June 1850.
103. MONTREAL GAZETTE, 24 June 1850.
104. MORNING CHRONICLE, 24 June 1850.
105. NORTH AMERICAN, 21 June 1850.
106. MORNING CHRONICLE, 24 June 1850.
107. MONTREAL GAZETTE, 24 June 1850, which commented that: "There was a silence deep as death when Mr. Boulton read an extract from a speech of Sir Robert Peel.... The reading of the extract produced what may be termed a sensation; and the Ministry seemed to sit uncomfortably on their comfortable chairs."
108. MORNING CHRONICLE, 24 June 1850.
109. MONTREAL GAZETTE, 24 June 1850. Ellipsis represents illegible words.
110. MORNING CHRONICLE, 24 June 1850.
111. NORTH AMERICAN, 21 June 1850.
112. MONTREAL GAZETTE, 24 June 1850.
113. NORTH AMERICAN, 25 June 1850.
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123. MONTREAL GAZETTE, 24 June 1850.
124. NORTH AMERICAN, 25 June 1850.
125. IBID.
126. IBID.
127. MONTREAL GAZETTE, 24 June 1850.
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147. MONTREAL GAZETTE, 24 June 1850.
148. IBID.
149. NORTH AMERICAN, 25 June 1850.
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156. MONTREAL GAZETTE, 24 June 1850.
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201. NORTH AMERICAN, 25 June 1850.



- 202. MONTREAL GAZETTE, 24 June 1850.
- 203. NORTH AMERICAN, 25 June 1850.
- 204. MONTREAL GAZETTE, 24 June 1850.
- 205. NORTH AMERICAN, 25 June 1850.
- 206. IBID.
- 207. MONTREAL GAZETTE, 24 June 1850.
- 208. NORTH AMERICAN, 25 June 1850.
- 209. IBID.
- 210. IBID.
- 211. IBID.
- 212. MONTREAL GAZETTE, 24 June 1850.
- 213. NORTH AMERICAN, 25 June 1850.
- 214. IBID.
- 215. The following papers reported this notice in identical accounts: HAMILTON SPECTATOR, 22 June 1850, and BRITISH COLONIST, 21 June 1850. The notice was also reported by: NORTH AMERICAN, 21 June 1850; and LA MINERVE, 24 June 1850. A commentary appeared in NORTH AMERICAN, 21 June 1850.
- 216. HAMILTON SPECTATOR, 22 June 1850.
- 217. The following papers reported this notice in identical accounts: BRITISH COLONIST, 21 June 1850, PILOT, 25 June 1850, and PACKET, 29 June 1850. The notice was also reported by: NORTH AMERICAN, 21 June 1850; and LA MINERVE, 24 June 1850.
- 218. PILOT, 25 June 1850.
- 219. MORNING CHRONICLE, 24 June 1850.

WEDNESDAY, 19 JUNE 1850.

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Petitions  
brought up.

THE following Petitions were severally brought up, and  
laid on the table:--

By Mr. Flint,--The Petition of Hiram Merriman and  
others, of Upper Canada.

By Mr. Chauveau,--The Petition of the School of Medicine of Quebec.

By the Honorable Mr. Sherwood,--The Petition of the Council of the Board  
of Trade of the City of Toronto.

By the Honorable Mr. Price,--The Petition of the Municipal Council of the  
County of York.<sup>1</sup>

By Mr. Scott of Bytown,--The Petition of N. Sparks, Esquire, and others,  
of the Town of Bytown.

By Mr. Solicitor General Macdonald,--The Petition of the Municipal Council  
of the united Counties of Stormont, Dundas, and Glengary.

By Mr. Holmes,--The Petition of the Montreal and Lachine Railroad Company;  
and the Petition of the Lake St. Louis and Province Line Railroad Company.

By the Honorable Mr. Badgley,--The Petition of William D'Eschambault,  
Physician and Surgeon, and Robert L. MacDonnell, M.D., late of the City of  
Montreal.

By Mr. Thompson,--The Petition of the Municipality of the Township of Rain-  
ham; and two Petitions of the Municipality of the Township of North Cayuga.

By Mr. Boulton of Toronto,--The Petition of Henry Rowsell, of the City of  
Toronto.

By Mr. Notman,--The Petition of John Frank, of the Township of Adelaide,  
County of Middlesex.

By Mr. Fourquin,--The Petition of the Reverend L.O. Desilets and others, of  
the Parish of St. Guillaume, Township of Upton.

By Mr. Armstrong,--The Petition of Alexander Daly and others, in behalf of  
a public meeting held in the Village of Rawdon, County of Leinster.

By Sir Allan N. MacNab,--The Petition of E.C. Thomas, Esquire, and others,  
of the City of Hamilton; <sup>2</sup> and the Petition of Mrs. Ann Belton, of the City of  
Toronto.

By Mr. Cartier,--The Petition of the Montreal and Lachine Railroad Company.

By Mr. Hall,--The Petition of James Brenan and others, of the Union School  
Section No. 7, in the Township of Emily.

By Mr. Bell,--The Petition of Archibald McDougall and others, of the Town  
of Perth and vicinity.

By Mr. Fergusson,--The Petition of William Loney and others, of the Town-  
ship of Peel, County of Waterloo.

By the Honorable Mr. Macdonald,--The Petition of Henry Smith, Esquire, late  
Warden of the Provincial Penitentiary of Canada; and the Petition of J. Counter,  
Esquire, and others, of the City of Kingston.

By Mr. Burritt,--The Petition of John R. Christy and William Martin, on  
behalf of the United Congregation of the Free Church of South Gower, Oxford  
and Mountain.

By Mr. Smith of Durham,--Two Petitions of the Municipal Council of the  
united Counties of Northumberland and Durham.

By the Honorable Mr. Merritt,--The Petition of Lewis Lambert and others,  
of the Township of Grantham; the Petition of G. Rykert, Esquire, and others,  
of the Township of Grantham, District of Niagara; the Petition of J.B. Os-  
borne and others, of the Village of Beamsville and vicinity; the Petition of  
H. Parkes and others, of the Township of Grantham, District of Niagara; the  
Petition of W.C. Chase and others, of the Township of Grantham, District of  
Niagara; the Petition of Henry Brownlee and others, of the Township of Grant-

ham; the Petition of James Delany and others, of the Township of Grantham; the Petition of Simon James and others, of the Township of Grantham; the Petition of C. A. Hodgkinson and others, of the Township of Grantham; the Petition of the Municipality of the Township of Grimsby; and the Petition of Robert F. Nelles and others, Stockholders in the Grimsby Harbour and Pier Company.

Petitions read.

Pursuant to the Order of the day, the following Petitions were read:--

Of the Reverend F. Morin and others, members of the Temperance Society of the Parish of Cap Saint; and of the Reverend J. Boucher and others, of the Parish of St. David; praying that certain measures be adopted for the suppression of intemperance.

Of the Municipality of the Township of Wainfleet; praying for certain modifications to the Common School Bill now before the House, should it be deemed expedient to alter the existing law.

Of the Municipality of the Township of Pelham; and of the Municipality of the Township of Wainfleet; praying that measures be adopted to appropriate the funds accruing from the Rectories and Clergy Reserve Lands to purposes of general education.

Of Leonard Misener and others, of the Township of Wainfleet; praying for the passing of an Act to prevent the hunting of deer with hounds, and their consequent destruction.

Of the Municipality of the Township of Wainfleet; praying a renewal of the Charter of the Niagara and Detroit Rivers Railroad Company.

Of the Niagara District Mutual Fire Insurance Company; praying that a tax be imposed upon Foreign Insurance Companies transacting business in this Province, similar to that imposed by the State of New York in like case, and that

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they may be compelled to make a deposit in some chartered Bank of this Province to meet their losses therein.

Of the Municipal Council of the Municipality Number one, of the County of Rimouski; praying that a survey be made of the best line whereon to open a communication between the Provinces of Canada and New Brunswick, from the River St. Lawrence to Lake Temiscouata, in rear of the County of Rimouski.

Of Vital Têtu, Esquire, and others, of the City of Quebec; praying that the Act 9 Vic. cap. 22, for amending the Ordinances incorporating the City of Quebec, and for other purposes, be maintained and carried into effect.

Of Benjamin Ouimet, Esquire, and others, of the Township of Upton, District of Montreal; praying that the Seigniors whose lands adjoin the said Township may be compelled to yield the right of passage, and to perform their part in improving public communications.

Of Benjamin Ouimet, Esquire, and others, of the Township of Upton, District of Montreal; praying that certain parts of the said Township be erected into a new Township, under the name of Iberville.

Of the Ministers and Elders of the Synod of the Presbyterian Church of Canada; praying that the funds accruing from the Clergy Reserves and Rectories be appropriated to purposes of general education, and that such education be based upon the Scriptures.

Of the Reverend Ira Howay and others, of the Townships of Norwich and East Oxford; of the Reverend John Corbett and others, of the Townships of Wakefield and Masham, County of Ottawa; and of Lewis G. Gordon and others, of Amherstburgh; praying that measures be adopted to abolish all labor on the Lord's Day in the Postal Department of the Public Service.

Of the Very Reverend A. Mailloux and others, members of the Committee of management of the Society for promoting the settlement of wild Lands of the Crown of the County of Bellechasse, and parts of the Counties of Dorchester



and Montmorency; praying for a reduction in the price of certain of the said lands, and for aid to open a road.

Of the Reverend J. Flanagan, Minister, and J. Pangman and A.B. Ervan, Church Wardens of the Church of England, in the Parish of St. Henri de Mascouche; and of the Reverend A.D. Lockhart and others, the Minister, Church Wardens, and members of the Church of England in the Parish of St. Lin, County of Leinster; praying that the privilege of conferring Degrees in the Arts and in Divinity may be extended to Bishop's College, and the annual grant to the said College so increased as to place it upon an equal footing with similar institutions throughout the Province.

Of Barnaby Gregory and others, of the Township of Louth, County of Lincoln; praying for retrenchment in the Public and Judicial Expenditure of the Province; for a reduction of Law Costs; for the payment of Jurors and Witnesses in Criminal Cases; for a repeal of the Law of Primogeniture; the establishment of Reciprocal Free Trade,--and that the proceeds of the Clergy Reserves and Rectories be applied to purposes of education.

Of the Municipal Council of the united Counties of Lincoln, Haldimand and Welland; praying for certain amendments to the Act 12 Vic. cap. 81, relative to County Roads.

Of Marcus Gunn; complaining of certain unjust Judgments obtained against him in the Civil Courts of the District of London, and praying for the passing of an Act to remedy certain formalities in the said Courts, and also to grant him a new trial in the premises.

Of Thomas Costen, late Head-Keeper of the Provincial Penitentiary; representing that he has been summarily dismissed from his said office, and praying relief.

Of the Common Council of the City of Kingston; praying for certain amendments to the Common School Bill now before the House.

Fines levied  
by Justices of  
the Peace.

The Honorable Mr. Attorney General LaFontaine, one of Her Majesty's Executive Council, presented, pursuant to an Address to His Excellency the Governor General,--Return to an Address of the Legislative Assembly, dated 29th May, 1850, for Statement containing the names of such Justices of the Peace for the District of Quebec as have made Returns to the Government, of Fines imposed and levied by them since the 1st day of January, 1847.

Appendix (Q.)

For the said Return, see Appendix (Q.)

Petition of  
O. Rémond  
and others;

Ordered, That the Petition of O. Rémond and others, Branch Pilots for the navigation of the River St. Lawrence between Montreal and Quebec, be referred to the Standing Committee on Standing Orders.

Of D. Thomas  
and others;

Resolved, That the Petition of D. Thomas and others, of the District of St. Francis, be referred to a Select Committee, composed of Mr. Sanborn, Mr. Taché, Mr. Sauvageau, Mr. Bouthillier, and Mr. McConnell, to examine the contents thereof, and to report thereon with all convenient speed; with power to send for persons, papers, and records.

Of the Officers  
and others of  
this House,  
referred.

Ordered, That the Petition of the Officers, Clerks, and Servants of this House, be referred to the Standing Committee on Contingencies.

Petition of  
the Municipal  
Council of Kent.

Mr. Thompson moved, seconded by Mr. Bell, and the Question being put, That the Petition of the Provisional Municipal Council of Kent, praying for the repeal of the

Act 12 Vic. cap. 79, so far as relates to the Counties of Lambton and Kent, and the re-enactment of the 30th and 31st clauses of the Act 12 Vic. cap. 78, be referred to a Select Committee, composed of the Honorable Mr. Attorney General Baldwin, Mr. Notman, the Honorable Mr. Cameron of Kent, Mr. Prince, and the mover, to examine the contents thereof, and to report thereon with all convenient speed; with power to send for persons, papers, and records; the House divided:--And it passed in the Negative.

Wesleyan  
Ministers Re-  
lief Bill.

Mr. Flint reported from the Select Committee on the Bill to relieve Ministers of the Wesleyan Methodist Church in Canada from the obligation to obtain Special Licenses in order to keep Registers of Baptisms, Marriages, and Burials, in Lower Canada, That the Committee had gone through the Bill, and made an amendment thereunto.

Ordered, That the Bill and Report be committed to a Committee of the whole House, for Monday next.

Small Causes  
(L.C.) Bill.

Mr. Laurin reported from the Select Committee on the Bill to amend the Act for the summary trial of Small Causes in Lower Canada, That the Committee had gone through the Bill, and made an amendment thereunto.

Ordered, That the Bill and Report be committed to a Committee of the whole House, for Monday next.

On motion of the Honorable Mr. Chabot, seconded by Mr. Méthot,

Quebec St.  
Jean Baptiste  
Society Bill.

Ordered, That the engrossed Bill from the Legislative Council, intituled, "An Act to amend an Act, intituled, "An Act to incorporate La Société Saint Jean

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Baptiste de la Cité de Québec," be now read the first time.

The Bill was accordingly read the first time.

Ordered, That the Bill be read a second time, on Monday next.

Lunatic Asy-  
lum (U.C.)

The Honorable Mr. Hincks, one of Her Majesty's Executive Council, presented, pursuant to an Address to His Excellency the Governor General, the following Return:--

Return to an Address from the Legislative Assembly to His Excellency the Governor General, dated the 29th ultimo, praying His Excellency to cause to be laid before the House, a Statement in detail exhibiting an account of the expenditure of all monies raised from the People of Upper Canada for the erection of the Provincial Lunatic Asylum.

By Command,

J. LESLIE,  
Secretary.

Provincial Secretary's Office,  
Toronto, 18th June, 1850.

Sixth Report  
of Committee  
on Standing  
Orders.

Mr. Ross, from the Standing Committee on Standing Orders, presented to the House the Sixth Report of the said Committee; which was read, as followeth:--

Your Committee have examined the Petition of H.C.R. Becher and Lionel Ridout, and find that the notices have been duly given.

The Petition of Seth Combs and others, Innkeepers, praying for authority to collect their debts, is not, in the opinion of Your Committee, of such a

A Statement of Monies paid the Receiver General by the District Treasurers, Canada West, for the erection of the Provincial Lunatic Asylum, under Act 2 Vic. cap. 11.

For this Amount received in 1841	£	s.	d.
do do	1577	6	9
do do	3878	2	2
do do	2783	13	2
do do	4891	14	11½
do do	2738	17	8
do do	2717	0	11
do do	2603	9	10
do do	3426	13	3
do do	4564	5	0
Total collection to 31st January, 1850	£29181	3	8½

*Inspector General's Office,  
Toronto, June 17th, 1850.*

*Statement of the Receipts and Expenditure of the Commissioners for erecting the Lunatic Asylum,  
22nd January, 1850.*

Received by Warrant from the Government, at various times, to this date .....	£	s.	d.	Amount expended in erecting Building . . . . .	£	s.	d.
Received for Forty-six Debentures for £500 each, authorized by the Legislature and issued to the Commissioners .....	24827	16	0	do extra works .....	44022	1	1
Received for small Debentures for £2250, issued to the Commissioners .....	22100	0	0	Amount expended in constructing the sewer from the Building to the Lake ...	1368	2	6
Received at various times from the Government, Interest on Debentures .....	2225	0	0	Amount expended in plumber's work in the interior .....	1744	8	5
Balance, and Accounts due ..	363	9	0	Amount expended in building the engine house, steam engine, and purchase of pipes to supply water .....	2144	18	11
	7058	8	11	Amount expended in the construction of the warming apparatus .....	2448	17	11
				Amount expended in fencing and improving the grounds .....	515	10	3
				Amount expended on furniture supplied to the Asylum .....	622	11	0



£	s.	d.		£	s.	d.
			Amount expended to furnish a supply of fuel for the ensuing year .....	651	15	6
			Amount paid as Interest on over-drawn account, and balances due .....	236	12	10
			Amount paid Architect £ 1525 0 0			
			Clerk of works .....	391	13	4
			Secretary .....	250	0	0
			Travelling expenses ...	228	0	0
			Printing, stationery, &c. ....	98	8	4
			Insurance .....	106	15	0
			Legal costs .....	42	18	9
			Miscellaneous items ...	177	0	3
				2819	15	6
£ 56574	13	11		£ 56574	13	11

(Signed,) Charles Daly,  
Secretary to the Commissioner, and Accountant.

*nature as to come within their inquiries.*

*The Petition of Skeffington Connor, Esquire, and others, Your Committee do not consider to be such as to require notice under the 66th Rule.*

(76)

*Your Committee have examined the Petition of Duncan McFarland, Esquire, praying that a certain Road allowance in Thorold may be vested in him, in exchange for a new line of road granted by him, and confirmed by the late Municipal Council of the Niagara District, and, also, that of the Municipal Council of Thorold, in favor of the application; they find that the notice required in such cases by the 66th Rule has not been given; but inasmuch as the last mentioned Petition, and also that of G. Jordan and others, of Port Robinson and its vicinity, in favor of the application, to which, although not referred to Your Committee, their attention has been drawn by the Petitioner, prove the consent of the various parties interested. Your Committee would respectfully recommend that the notice be dispensed with in this case.*

Clergy  
Reserves.

*The Order of the day being read, for resuming the adjourned Debate upon the Question which was yesterday proposed, That the reservation of a large portion of the Public Domain of the Province for the support of a Protestant Clergy, by an Act passed in the thirty-first year of Her Majesty's Royal Predecessor King George the Third, has been for many years a source of intense dissatisfaction to the great majority of Her Majesty's subjects in Upper Canada;*

*And the Question being again proposed:--The House resumed the said adjourned Debate.<sup>3</sup>*

MR. G. SHERWOOD (Brockville) had the floor, but said he did not move the adjournment to obtain the floor. He considered the subject exhausted.<sup>4</sup> ((He)) combatted the doctrine propounded by the Inspector-General and the Solicitor General West. If the subordinate rights vested in the incumbents could not be touched, he held that the greater right from which these parties derived theirs was, by the same reasoning, equally a vested right. He looked upon the Sydenham Act as a final disposition of these lands; if not, no settlement that could be made now would be considered a settlement ten years hence.<sup>5</sup> Much had been said about excitement on this subject. He thought it all arose from persons hunting for popularity, and he believed if the question were left alone, the present disposition of the property would be generally satisfactory. The hon. gentleman who had introduced the resolution said it was only to allay the excitement he had introduced this resolution--<sup>6</sup>.

MR. COM. CR. LANDS PRICE said he had not said so and explained what he had said.<sup>7</sup>

MR. G. SHERWOOD resumed.<sup>8</sup> He did not exactly understand how the mover of the resolutions intended to dispose of the property<sup>9</sup> if the Imperial Parliament gave us the control of them?<sup>10</sup> Did he intend that the property, which was originally given for religious purposes, should be diverted altogether from its original purpose?<sup>11</sup> Will he devote them to general education?<sup>12</sup> He did not think that a settlement of the question in the manner the hon. member (Mr. Price) desired would create peace in the country, but the reverse.<sup>13</sup> He (Mr. Sherwood) suspected even such a proposal as that would produce excitement and opposition.<sup>14</sup> He thought that this property stood on<sup>15</sup> precisely the same ground<sup>16</sup> as other property held by other churches in the province; and that if a disposition such as the hon. member desired should take place, that a greater agitation than had yet been seen would take place for the purpose of interfering with the property held by the Catholics in Lower Canada. He believed, as had been stated by the hon. member for Toronto, that the Catholics held their pro-

perty on a slighter tenure than the Church of England the reserves.<sup>17</sup> OR The property ... they hold on no better tenure than the reserves are held. The hon. member for Toronto (Mr. Sherwood) had shown that this was the case with the seminary of St. Sulpice.<sup>18</sup> He thought it would only be right that the gentleman who introduced the resolutions should state what they proposed to do with the lands<sup>19</sup> if the home governmt. granted what the resolutions proposed to ask for.<sup>20</sup> The hon. member had not shown what better disposition could be made than existed at present.<sup>21</sup> Unless this were done--unless it were shown that some better than the present mode of disposing of them could be adopted, the House would not be justified in interfering with the present settlement.<sup>22</sup> There was a great diversity of opinion as to what should be done with them, and he was well convinced that the present arrangement was much more popular than any other. The hon. Solicitor General had said this was the great test question of the last general election--<sup>23</sup>.

MR. SOL. GEN. MACDONALD explained that what he said was, that this was a leading question at the last election, and one on which the reform party went into power.<sup>24</sup>

MR. G. SHERWOOD denied the correctness of this statement--the question had not been mooted--not the least agitation of it had been heard in his part of the country<sup>25</sup> or the two neighboring counties;<sup>26</sup> nor was it even mentioned in many counties of Upper Canada.<sup>27</sup> Papers were distributed on the College and several other questions, but he did not recollect having seen one that made any reference to this question.<sup>28</sup> Those who wanted to make political capital seemed to have a vested right in disturbing the peace by this question.<sup>29</sup> The hon. gentleman then went on to explain that if the resolutions were carried, the Reform party would not have a single question left on which to go to the country upon, and warned them not to settle it.<sup>30</sup> He wanted to make it a stalking horse again as it had been for political agitators for the last twenty-five years.<sup>31</sup> He concluded by saying that he should always oppose any interference with these lands.<sup>32</sup>

MR. STEVENSON thought the question a very important one, but lying in a very narrow compass. It mattered little what was said about the agitation of the country.<sup>33</sup> ((He)) did not think the agitation of this question creditable to the country.<sup>34</sup> There was no doubt about its existence, and it had existed for 25 years.<sup>35</sup> From 1820 to 1840 it had been made a hobby for political agitators to ride into power upon.<sup>36</sup> Well, after agitating the question all that time,<sup>37</sup> in 1840 it was settled in a manner that was considered equitable for all. Then the Church of England had one-third and the Church of Scotland one-sixth of the whole; and these churches formed half of the entire community (hear, hear,) as he believed they did now. But<sup>38</sup> the question was not now whether one church was receiving more than its equitable share, but whether the property should be diverted from the purpose for which it was originally intended<sup>39</sup>, for the support of religion. This he would ever oppose.<sup>40</sup> And now it was proposed to overturn it altogether. He (Mr. Stevenson) was quite prepared to go for a more equitable division than the existing one, and<sup>41</sup> if the division were not considered equitable, he would not very much oppose another division.<sup>42</sup> But the proposal now was to take them all away from their original destination and apply them to altogether different purposes.<sup>43</sup> He denied that the most consistent or conscientious opponent of the present settlement, could complain that it interfered with his conscience, or in any way prevented him from worshipping as he pleased.<sup>44</sup> Because some land was set apart fifty years ago for a purpose which some did not approve of<sup>45</sup>, it was absurd to say that these Reserves have been a stumbling block and a nuisance<sup>46</sup> in the way of the improvement of the surrounding country. He had heard this reiterated, but he knew of his own knowledge<sup>47</sup>



many instances where they had been settled<sup>48</sup> as early as other parts of the country<sup>49</sup> and the occupants performed just the same duties as their neighbours.<sup>50</sup> Mr. Stevenson went on at some length to show that the Clergy Reserves had not interfered with the advancement of the country, but on the contrary had been very convenient for persons who had not possessed the means of purchasing land.<sup>51</sup> A gentleman remarked last night, who should not have made such a remark, that there would be no peace in the country until this question was settled,<sup>52</sup> but he said that there would never be peace so long as there were agitators, and there would be agitators so long as parties found an interest in<sup>53</sup> creating discontents for their own personal ends.<sup>54</sup> It had been said that the Church of England would have been better off now had they never had any of these lands. He thought this a very poor argument--it was merely saying one was better off by depending on their own resources than with some assistance. He repudiated, too, the assertion that this endowment made an Established Church in the country; but how could this be? There were two Churches got the benefit of it and there might be more; could there be several Established Churches?<sup>55</sup> It showed that persons who made use of such arguments were in want of legitimate ones.<sup>56</sup> He considered this a religious question, and it should be approached in a religious spirit.<sup>57</sup> The question ought to be presented thus<sup>58</sup>, he repeated.<sup>59</sup> Here is a certain fund which was applied for the support of religion, how can it be appropriated with justice to all parties for the legitimate object to which it belongs. Can members say that if we thus begin to take away property devoted to religious purposes it will stop here?<sup>60</sup> It would be only an entering wedge that would be driven home afterwards.<sup>61</sup> It may not be in our day, but it is not exceedingly likely that our precedent of 1850 may bring up in future years a proposal to sweep away all church property<sup>62</sup> of another church in Lower Canada.<sup>63</sup> He hoped not to see it but it might come.<sup>64</sup> He cautioned hon. members to beware of the precedent they established. Its application might be carried further; and they had seen religious spoliation before.<sup>65</sup> He did not admire the United States--he admired nothing about them but their commercial regulations, but salutary truths were sometimes uttered there. Previous to the revolution, the church of Virginia held some property, but in Jefferson's day<sup>66</sup> the State Legislature of Virginia ... passed a law for devoting the lands and the ... funds derived from them to education;<sup>67</sup> and when the bill came before the Supreme Court of the United States<sup>68</sup> the ... court ... decided that the law was unconstitutional, and the property reverted to the church.<sup>69</sup> One of the most eminent Judges of the country said the bill would go down to posterity loaded with the reproaches of twelve millions of people. Such he thought, would be the feeling towards the hon. gentleman's resolutions.<sup>70</sup> That hon. member's name would go down loaded with execration. He contended that if the object of the resolutions were carried out that we should have no peace, but that the question would again come up as freshly as ever, and distract the country.<sup>71</sup>

MR. J. SMITH (Durham) could not give a silent vote. The member who had just sat down was the first for the county of Prince Edward that had ever taken such a view as he (Mr. Stevenson) had taken on this question.<sup>72</sup> He did not agree with that member that this was a mere money question. He thought it was a mixed one, involving religious principles as well.<sup>73</sup> He (Mr. Smith) could easily understand why government might be justified under certain circumstances in<sup>74</sup> protecting trade--in fostering a particular branch of trade<sup>75</sup>, but this was a question that affected the civil and religious rights of the people, and no such interference of government could be justified.<sup>76</sup> He could not understand what argument could be given in favor of protecting a particular form of religious worship. He would not enter into the history of the question; but it was noticeable, that the moment an appropriation of money was given from the fund, the agitation commenced, and had been kept up in consecutive Sessions, of Parliament, and the appropriation of these lands was condemned by large majorities. Mr. Smith then went on to show how little entitled was the Act of 1840 to be con-

sidered a final settlement, and declared that<sup>77</sup> it was absurd to say that any settlement come to by a parliament elected at a time when there was no responsible government, and in the way that parliament was elected, would be final. The people had had no opportunity of carrying their views into effect.<sup>78</sup> The hon. gentleman then reviewed the political events since the passing of that Act<sup>79</sup>. There was no responsible cabinet till 1842, and, then the Metcalfe disruption followed, and prevented the question being taken up. The general election followed; they all knew how it was carried. Then there was a ministry hanging by a majority of one; and that was no time to obtain a settlement of the question. Last Session the disturbance prevented the question being taken up. He denied, therefore, that the people had acquiesced in the present settlement, as there had been no opportunity<sup>80</sup> until now to have the question brought up for a fair and final adjustment. It was not true, as announced, that the people of Upper Canada had acquiesced in the Bill of 1840; they had no opportunity, until now, of upsetting it and he thought the course of the hon. member who had introduced these resolutions before the House was the correct one.<sup>81</sup> With regard to the agitation of the question, he thought it even ought to be agitated until it was settled. The agitation of this question had been one of the most unfortunate things that ever befel (sic) this country. It had not only prevented persons of capital settling in this country, torn as it was with a religious discussion, which of all others is most bitter; but had also caused many already to leave it. The hon. gentleman then quoted the opinion of Ogle R. Gowan, in a letter to the electors of Leeds dated April 23, 1850, to the effect that he (Mr. G.) was opposed to seeing any one church have privileges that others do not possess. If it was necessary for Mr. Gowan to make such a declaration of opinion in Leeds, of all other places, it showed how strong was the feeling on the question throughout the country.<sup>82</sup> In regard to the Lower Canada endowments, there had been an attempt made to frighten some gentlemen on this side of the House from voting for the resolutions. The hon. member for St. Maurice had said, that before the endowments were touched, the faith of the British Government must be broken; but he thought more would have to be done--for there were distinct pledges given at the capitulation of Lower Canada to the French Government that the Church property would be respected; and he (Mr. Smith) thought the French Government would have something to say, were these pledges to be broken. It was unnecessary for him to say more; but he thought the votes given this day would have an important effect on the next elections of county members. (Hear, hear.)<sup>83</sup>

MR. CHRISTIE spoke so low and the noise in the gallery was so great that we heard him very indistinctly.<sup>84</sup> ((He)) said, as we had two establishments of religion in the country, if you abolish one, some provision should be made for abolishing the other. If the House would go for that he had no hesitation to join them. The last speaker had referred to the tenure on which the property in Lower Canada was held; but there would be just as great a breach of faith in depriving the Church of England of her property, as there would be in depriving the seminaries of Montreal and Quebec of theirs.<sup>85</sup> He asked the French Canadian members if they were prepared to destroy their own religious establishment, for if they were, he could not see how they could vote for the destruction of the establishment of the Churches of England and Scotland.<sup>86</sup> Let not one establishment be despoiled while we maintained and sustained the property of the other.<sup>87</sup>

MR. ARMSTRONG asked Mr. Christie if there was any difference between the tenure on which these seminaries held their property and that on which other seigneurs held theirs?<sup>88</sup>

MR. CHRISTIE did not know that there was.<sup>89</sup>

MR. ARMSTRONG. The Church lands of Lower Canada were held in Seigneury, the



same as all the lands in Lower Canada, and could no more be taken from them than from any landholder in the country.<sup>90</sup>

MR. CHRISTIE contended that it would be as great a violation of justice to interfere as now proposed, as to take away the Roman Catholic endowments of Lower Canada.<sup>91</sup>

MR. CARTIER said he had been spoken to by gentlemen on both sides of the House, but wished to hear the discussion on the subject before he made up his mind<sup>92</sup> ((and)) had listened to the debates with great attention. He would not vote for the resolutions if he feared that they would interfere with vested rights.<sup>93</sup> He could not abstain from giving his vote on the present occasion; but before doing so, as so much had been said relative to church property in Lower Canada, he must preface it with a few preliminary observations. It must be evident, he said, to everyone, that the Clergy Reserves referred to in the Act of 1791, were intended for the benefit of<sup>94</sup> all denominations of<sup>95</sup> the Protestant Clergy, to the exclusion of those of the Roman Catholic religion; and they had no right to any portion of the grant as a religious body; because it was intended exclusively for the benefit of the Protestant church. But it appeared that after 1791, the appropriation became a difficult question; the Episcopalians in Upper Canada not being in sufficient numbers to prevent other Protestant denominations from asserting their claims and he (Mr. C.) would state it as his opinion that under the word Protestant, every denomination except the Roman Catholics were entitled to a share of the Clergy Reserves; and that the claim set up by the established church could not be entertained, and in this opinion he was sustained by the opinion of the twelve judges, who had determined that all descriptions of Protestants were entitled to their proportion of the grant. This principle had not only been established in England, but was admitted in this colony; and in which as a Roman Catholic and a Lower Canadian, he concurred. It appeared that while Upper Canada was a separate Province, a Bill had passed which induced the Imperial Parliament to legislate in this matter; but in a manner which it seems had not been satisfactory to the different protestant denominations and it is now proposed by Resolutions to induce Parliament to repeal that Act and thus to enable the local legislature to dispose of the property.--And if he were permitted to advise the members of Lower Canada, he would tell them that they would not be bound hereafter as to the application of the Reserves, by any vote which they might give on the present occasion; no more than their successors would be, when the question should again come up, in consequence of the repeal of the Act of Parliament. All they could do was to obtain the repeal of the Act and then leave their successors in the Legislature to act as they please.<sup>96</sup> It would have been absurd for the Resolutions to name the purpose for which they should afterwards be devoted because the members of the present parliament might not be in the parliament that would have to dispose of the property. If he should be in the parliament that might have the disposal of these Reserves, and found the majority of the people of Upper Canada in favor of devoting them to general purposes, he should consider it his duty to vote for carrying out the views of that majority. They might do with their own property what they liked, that would not affect the property of the Roman Catholics in Lower Canada.<sup>97</sup> With reference to what had been stated by the hon. member for Gaspé, who he said should have been better informed on the subject, he asserted that the concessions<sup>98</sup> of the property of the seminaries and the corporations<sup>99</sup> given to the priests of the Roman Catholic Church<sup>100</sup> in Lower Canada<sup>101</sup> were granted upon the same conditions as was other property to other individuals, and for the purpose of settling the country. These grants, therefore, were not to be placed on the same footing as the Clergy Reserves. But, as he had said before, his object was not to affirm or to deprive any Church of its rights, but to bring the subject under the control of the Provincial Legislature. It appeared to him that the Imperial Act had left



a great deal undone, as three-sixths or one-half of the Clergy Reserves remain at the disposal of the Executive Government, and although he had every confidence in the present government, yet he would not place such an amount of property at the disposal of any administration. Some hon. member, he said, thought it would be best to proceed by Bill, but he agreed with others, that by address was the proper course; as the Act of the Imperial Parliament was the law of the land. Suppose a Bill were passed by both Houses, and ultimately received the Royal sanction; had the Queen any right to repeal an Act of Parliament? It was wise then to proceed by address; and if the Imperial Parliament repealed the Act in question, it would then be for the local legislature to take up the subject. He concluded by again advising the Lower Canadians not to be misled by the assertion that their vote, with reference to the Resolution before the House, would pledge them or the future constituency of Lower Canada, as to the manner in which they should vote, when the appropriation of the Reserves should become the subject of discussion.<sup>102</sup>

MR. BADGLEY said if anything were done with reference to the Clergy Reserves, it must be by address; as it would be a perfect anomaly were the Colonial Legislature of this Province to pass a Bill for the avowed purpose of setting aside an Act of the Imperial Parliament. The only correct mode of proceeding, therefore, was that which the Commissioner of Crown Lands had adopted.<sup>103</sup> A great deal had been said about the analogy between the property of the Roman Catholics in Lower Canada and these reserves; but they stood on an entirely different footing.<sup>104</sup> It must be borne in mind, that the original grant provides that the proceeds of the Clergy Reserves shall be appropriated solely for the maintenance of a Protestant Clergy and was to be expended for no other use or purpose whatever. It should also be borne in mind, he said, that in every Christian country since the dark ages, religious institutions had been an object of paramount importance; and in France, everywhere, almost, large appropriations had been made for the support of the Episcopal Clergy and when Great Britain conquered Canada, she found that principle in full operation, and a further provision was made for religious purposes, independent of that voluntary support, which in the early settlement of a country must every where be trifling. The only lands at her disposal being the waste lands, after appropriating one-seventh part to public purposes, another seventh was granted for religious education; thus carrying out the great principle that instruction in the sublime truths of Christianity is the first duty of a Christian government. But he never believed it possible so to construe the term "Protestant Clergy," as to mean exclusively those of the Church of England. The government it was true was authorised to set apart certain portions of land for the use of the Church of England, which grants had the same force as those which were made to individuals; but according to the statute and legislation, the general term Protestant Clergy embraced all religious denominations except the Roman Catholic. By the Act of 1791, power is given to the colony to appropriate the lands so set apart, in accordance with the original object. To understand what was here meant, it becomes necessary to look at the history of England at that period, when nothing of the liberal character of the present day existed, and the Government was desirous of maintaining the national establishment intact. Was it possible, therefore, that it was intended to allow any interference with the establishment? The Act of 1791, therefore, did not apply to Roman Catholics who had already large appropriations of land for the support of their Church in Lower Canada; and consequently the British Government were desirous of providing for the spiritual wants of the English population in the Upper Province; and which, as the law now stands, he considered included all Protestant denominations in a country, where, notwithstanding all their political squabbles and contentions, there never had been any religious dispute, and Protestant and Roman Catholic lives reciprocally on good terms with his neighbor. And following out that spirit, he (Mr. B.) had no desire to interfere with the just claims of any

religious body of men.<sup>105</sup> There were no petitions from the Church of England, who were entitled to participate in those reserves, asking that they might be diverted to education.<sup>106</sup> He considered that it had a right to expend its proportion of the grant for the education of the people, in whatever manner it thought proper.<sup>107</sup> The best education was religious education.<sup>108</sup> Without religious education, the people of this Province, he said, must go back to what France was in 1794. If gentlemen wanted to see the effects of religious education developed, let them look at Scotland; they know what they are in England. In France and elsewhere on the continent, the relief of the destitute is combined with religious instruction, in the distribution of the funds set apart for that purpose; and thus it was in Lower Canada, where the distribution of charity was united with the dissemination of Christian knowledge. He (Mr. B.) thought the question ought to be set at rest; but he did not think it was in the power of legislative enactment to accomplish that; for it would be used as a means by which to agitate the public mind, long after the present members of that house should have ceased to hold their seats.<sup>109</sup> He had looked into a great many speeches, and<sup>110</sup> he was astonished to find, in looking over the debates on the question in the Upper Canada Parliament, that<sup>111</sup> one of the greatest subjects of dread was the fear of creating a dominant church.<sup>112</sup> But in Lower Canada, if prescription, wealth and dignity, constitute a dominant church--it is the Roman Catholic Church of that part of the Province; and yet it had not been productive of any of those jealous and contentious feelings that are anticipated in Upper Canada; and which politicians, who had other views to subserve than those which they professed, were desirous of converting into a bone of contention--and who, if the question were settled now, would pick a hole next year to serve some other purpose; and the honorable member for St. Maurice was right in saying the question would not be set at rest till doomsday; there would always be something occurring which would not allow the subject to sleep, as long as there was any political object to gain. He could not sit still and hear the unjust and illiberal tirade which had been directed against the bench of Bishops in England by the hon. gentleman: which, from the earliest times, had not been composed of the noble of the land; but whose members were taken from the humble walks of life, who by their piety and abilities had become worthy of advancement, and who were more elevated from their talents than by their exalted station. He (Mr. B.) could not, therefore, patiently submit to hear such a body traduced, without correcting a common and popular error originating in ignorance among the mass of mankind. It only remained, he said, to sum up with what he had at first advanced, that the purpose for which the grant was made in 1791, for the support of a Protestant Clergy of every denomination, had been recognized in every subsequent legislation. And if hon. gentlemen turned their attention to the country, they would find nothing of the turmoil and agitation of which they had heard so much; whatever apprehensions were professed to be entertained were entirely prospective, from which it was to be inferred that the people were not suffering from the appropriation which had been made; but which afforded gentlemen who speculated in politics the means of creating feuds and discontent, which would not otherwise arise. As to grants in Lower Canada, whatever might be the profits derived by the seigneurs, he was not disposed to interfere with their rights. Large endowments had also been bestowed on religious communities for the conversion of the Indians and the education of the people; the former being a favourite object with the Court of France from the early settlement of the country.<sup>113</sup> With regard to the property of the Seminary at St. Sulpice ... ((that)) was well known<sup>114</sup>. He for one would not call in question the right of those bodies to the lands which they held; but the Legislature had as much right to deal with those grants as they had to disturb the appropriation of the Clergy Reserves.<sup>115</sup>

MR. VIGER spoke in French, against the resolutions.<sup>116</sup> After reverting to



some facts in the history of the reserves, ((he)) stated he<sup>117</sup> was sincere in alleging that he did not know what it was intended to do with the property if the resolutions should pass, and the power they sought to obtain should be conferred on the Provincial Parliament.<sup>118</sup> He could not have failed to see that with the exception mentioned, the resolutions showed what was to be done with the rest.<sup>119</sup> It was intended to continue it to the incumbents for life; and no doubt it was also decided what should be done with it afterwards. As this object was withheld from the House, he could not support the resolutions.<sup>120</sup>

MR. CARTIER explained to the effect, as he had before contended, that he did not consider that<sup>121</sup> he should be bound, by voting for the resolutions, afterwards to vote for disposing of the property in a way that he might not think was just.<sup>122</sup>

MR. AT. GEN. BALDWIN was glad to see the temper and calmness displayed in the discussion of this subject. He was rejoiced to see it, because considerable excitement on the subject existed out of the House, which they ought not to be influenced by but deliberate with that calmness which would give weight to their decision. He hoped that nothing he would say would be calculated to lessen that moderation which had hitherto been preserved, or excite ill feeling on either side of the House. He thought it his duty to refer to remarks made by some hon. gentlemen as to the consequences which might follow the course that he and other members were about to take on the subject before them. This was one of the questions upon which, however much they might differ from their constituents, they were bound to carry out their own opinions, no matter at what sacrifice. He held with Burke, that it was not the duty of a member of the Legislature to be a slavish representative of the opinions of his constituents, he would never be the mere slave of any constituency. He was sent as a representative to protect the interests of the whole community. He would always be willing to give the opinions he had conscientiously formed on every subject to his constituents with the utmost candor, and if they differed with him, they had the right of course to dispense with his services<sup>123</sup> and he hoped they would part in peace; if he could serve them no longer, then it would be their duty to seek some other representative.<sup>124</sup> It was so general an opinion in some quarters that representatives ought to be the mere indices of their constituents, that he would read the opinion of Mr. Burke, as given in his speech to the people of Bristol: "Certainly, gentlemen, it ought to be the happiness and glory of a representative to live in the strictest union and closest correspondence and the most unreserved communication with his constituents. Their wishes ought to have great weight with him; their opinions, high respect, their business unremitting attention. It is his duty to sacrifice his repose, his pleasure, his satisfaction to theirs; and above all, ever, and in all cases, to prefer their interest to his own. But his un-biased opinion, his mature judgment, his enlightened conscience, he ought not to sacrifice to you, to any man, or to any set of men living. These he does not derive from your pleasure--no, nor from the Law or the Constitution. They are a trust from Providence, for the abuse of which he is deeply answerable. Your representative owes you not his industry only, but his judgment (sic); and he betrays instead of serving you, if he sacrifices it to your opinion." In every word of that he fully and entirely agreed. He said then that though members differed with their constituents, they were called upon to dispose of this question irrespective of all regard to their political position. Another idea had been thrown out in the discussion of this question out of doors, equally erroneous. It was that members were bound to follow the mere opinion or wish of the majority--a false principle either in politics or morals, to which he would never subscribe. No measure could be right which could not be sustained on its own intrinsic right. What was the object of establishing a government: it was not merely to build a machine as a curiosity, it was to protect the right of all men, the minority as well as the majority; the law was the guardian of the right of the



few. If the majority had a right, of their own mere wish, despotically to control the minority, then it became a question whether the despotism of one man was not less dangerous than the despotism of many. He did not consider then that the mere pleasure of the majority was a sufficient reason for the changes contemplated.<sup>125</sup> There must be something more than the mere pleasure of a majority; there must also be justice and right, as well as the will of a majority.<sup>126</sup> Nor was he prepared to admit that mode of reasoning, which would argue that these lands were the property of the people of the Province, and that they might do with them as they pleased.<sup>127</sup> Since they had been set apart by the Crown for a particular purpose, there must, he repeated, be something more than the mere will of the majority to justify the interference of Parliament with property so granted, otherwise the property of no individual would be safe. He had no sympathy with any of these modes of reasoning, and he disclaimed being in any way influenced by them. The premises were false, and all the conclusions drawn from them must also be false.<sup>128</sup> It was perfectly true that these lands were made valuable by the labours of the people; but if by the Constitutional Act they had been granted on the same footing as those given to individuals, he would say that they had no right to withdraw them. Nor was there any hardship to the settlers in the Province, who had come here since that act was passed, prepared, as at least they ought to have been, to submit to its provisions, and having the power of staying away if they objected to them. This was the first time which he had been called on to discuss this question in its present shape. It appeared that there was a large body who conscientiously objected to any endowments being given for the purpose of religion. He need scarcely say that he was not actuated by that opinion--that he had no objection in the abstract to religious endowments<sup>129</sup> either scriptural or of any other kind.<sup>130</sup> He had difficulties of another nature, however, which as he had advanced in life had even grown greater than in former years. They were in reference to the connection between the Church and the State, that kind of union which made the Church subservient to the State. If, then, the constitutional Act had clearly invested the Clergy reserves in the Church of England, the only difficulty he would have felt on the subject would have been in reference to this connection. As to the true intention of the Constitutional Act, that had been set at rest by the opinion of the Judges of England in 1840, and the proper course to follow was to adhere as closely as possible to the views and intentions of its framers.<sup>131</sup> This, however, was not the time for saying how the property should be disposed of and he was not prepared to go into the question.<sup>132</sup> It was true, that during the earlier history of the question he would have preferred to adhere strictly to their expressed intentions; he had, however, become convinced before the Act of 1840, and continued to think so since, that the most practicable, and at the same time, the course which would confer the greatest benefit on the country, and the nearest to the intention of the original act, would be to apply them to educational purposes. While he did not consider the act of 1840 as a final settlement of the question, he considered that it had changed the position of the question very materially, and made a proper settlement much more difficult. He by no means conceived that an act of Parliament was a mere piece of waste paper, to be cast aside at any moment. They were not called upon to settle this question definitively at that time, they merely wished to apply to England for the power to do so; some time would elapse before that permission was given. He might not be in that House, in the government, or he might have passed away altogether, when the time arrived; to other hands it would probably be committed, and they were not called upon then to discuss the matter. He considered that none who read the constitutional act carefully could fail to see that the arrangement of the Clergy Reserves was not intended as a final one, but to be altered by the Legislature as circumstances required. None knew at the time it was passed of what character the population of the Province was to be; they might be Lutherans or Calvinists, or a mixture of all denominations, and it was impossible to decide

upon what division of the property ((it)) should be made. If then the Legislature of Canada has passed a Bill on the question, it could not be considered as a measure of finality, and he did not see why greater finality should be given to an Imperial act, passed upon the question because the Canadian Legislature had not all the requisite powers. The Imperial power had earnestly desired that the Canadian Parliament should settle the question itself, as was shown by numerous despatches of Lord Glenelg and Lord John Russell; and it was only after the Canadian Legislature had failed in two several (sic) attempts to pass bills on the subject, that the Imperial Parliament took up the matter. When this charge was assumed, in order to give anything approaching the character of finality to the act, the recommendations of the Canadian Legislature should have been strictly followed. Instead of that there were a great number of very serious departures from them on matters so essential that no one could say that the Imperial act of 1840 expressed the opinions of the people of Upper Canada. He did not agree either in the idea that because the elections of 1840 had in some cases been carried by violence and fraud, that therefore the act requiring the Imperial authority to legislate on the subject was invalid. Such an opinion would bring everything into confusion; if the people allowed themselves to be overawed or tricked out of their rights they must stand the consequences. Neither did he think that the majority for the bill being small justified its alteration; when the majority was made known that must be taken as the will of the people. There were technical differences between the two acts which were of very serious importance; but there were others of still greater moment. There was one, which as a member of the Church of England he felt very deeply. By the Canadian act, the Church of England's share of the endowment was to be paid to the incumbents in this country, whereas by the English act, it was handed over to the Society for the Propagation of the Gospel in Foreign Parts. He would ... say that he desired to cast no slight upon the Society, he wished to say everything in thankful praise of their services to the Christian world, and to the Church to which he belonged, but when a final settlement was about to be made of this question, providing for the management of these funds in all time coming, he did not think it was proper that the clergy and laity of the Church in this country should be entirely excluded, and the power be placed in the hands of a body 3000 miles away<sup>133</sup> and on that ground alone, as a churchman, he should be opposed to the present Act as a final settlement.<sup>134</sup> But another serious difference was, that the funds were appropriated in an entirely different manner from that proposed in the Canadian act. The proposition of the Canadian act was to divide the funds equally among all denominations. If the Imperial authorities considered that the Act of 7 and 8 Geo. IV, vested the right in particular churches which could not be altered, why was it that the United Synod, which was also mentioned in that act, was excluded in the new arrangement. The principle of the Canadian Bill of 1840 was valuable as being a legislative negative to the idea that there was a dominant church in Canada. He (Mr. Baldwin) did not believe that there was a dominant church in Canada, but if there was, it was certainly the Roman Catholic Church, which by the act of 1790 was established, if any was, and as that act applied to all Canada, then called the Province of Quebec, the Roman Catholic Church was the established Church of Upper Canada as well as the Lower Province. He observed that a reverend prelate of the church of England, the Bishop of London, took that view of the case. It would be with the deepest pain that he would see any claim got up by the Church of England to be the dominant church; it was with much pleasure that he had seen the disavowal by a distinguished member of the other branch of the Legislature, and a strong supporter of the church, of any desire to make such claim. It was the best omen of peace and tranquillity for Canada that he had observed for a long time.--Why should they desire such a right; they possessed a learned and pious clergy, a laity not backward in liber-



ality for the support of their church; was it not a piece of madness to attempt an unjust supremacy over other denominations by law, which created strong prejudice against the church, and without which they would flourish better than with it. He entirely agreed with the member for St. Maurice in his objections to the distribution of the unappropriated funds being placed in the hands of the government of the day; by the Canadian Act a regular rule was given by which the distribution was to be made. It was neither advantageous for government nor church, however good, to have money passing from one to another; there was no provision in the bill which would prevent it becoming a source of the greatest corruption, nothing to prevent government withdrawing money from a church because they had not received its support. If they wished another argument to prove that the act of 1791 did not contemplate a distribution then, but intended that it should be left in the hands of future Legislatures, to apply as exigencies required, it would be found in the disruption of the Church of Scotland, more than one half of that body having left their communion<sup>135</sup> ((which)) has prevented more than one half of that body from receiving any of the funds.<sup>136</sup> That was a fact that the Legislature must have dealt with.<sup>137</sup> He wished to state as broadly as possible that while he did not think the present settlement binding on us so as to prevent the adoption of these resolutions, he felt that the Act of 1841 had altered the position of the question.<sup>138</sup> He considered that the reasons he had given fully justified them in going to the Imperial authority and ask to be allowed to resume the power of settling this question. Hon. members had said that this question had been brought up in order to make political capital out of it; he could say for his part that he had never made it a question out of which to make political capital—he had never made it even a matter of party contest, in his life ((but)) he could appeal to the hon. member from the South Riding, whether, when in opposition he had not refused pressing solicitations to bring the question up as a probable means of driving the late administration from power; in which refusal that hon. gentleman had joined. He considered it too serious a matter to be touched in a slight manner, and had a horror of seeing it made a subject of party warfare. He saw a smile on the face of an hon. gentleman opposite, perhaps he was thinking of the course he (Mr. B.) had taken in opposition to the late administration with reference to the investment of the Clergy Lands in the ecclesiastical corporations. He considered that an entirely different question. Whether the proceeds of these lands were given to churches, or whatever was done with them, he had always held that they should be sold by the government, and not to be given to the private corporations; that would be one of the greatest evils which could be inflicted on the country. The very attempt to give them to these bodies was an attempt to disturb the act of 1840, which gentlemen opposite now chose to consider as final and not to be broken up. A charge of inconsistency had been made against him, and founded on the fact that the government were not united on this question, while he had blamed the late administration for not making a cabinet question of a measure on the same subject. All that he had said against the late government was that it was an evidence of their weakness<sup>139</sup> when they were in power, for not being united on the question of maintaining the act of 1840, and he knew that he would be accused of inconsistency, as there existed difference of opinion in the cabinet at present. But a difference existed,—the latter were a Conservative Government, and had only to resist aggression, and maintain the status in quo; but it was not weakness on the general question of the Clergy Reserves, but on a collateral question with which he had reproached the gentlemen opposite with weakness.<sup>140</sup> He thought it would have been much better had this measure been a government one, but it was sometimes necessary to have open questions. When the cabinet differed upon the question, one of three courses might have been taken. Either those who wished to bring in the measure must have gone out, their colleagues



must have gone, or it must have been an open question. If the members who introduced this measure had gone out, they would have taken the responsibility of breaking up the Administration, which was not to be lightly assumed. They only had reason to complain of their present course, who were prepared to say that the Administration should have been broken up on the question, and to trust to the chapter of accidents for settling the matter to (sic) their minds. They had not done so, but had taken the same course as many other Administrations in similar circumstances; Mr. Pitt had made the slave trade an open question; Catholic emancipation was an open question with Canning's and Wellington's administration, and he believed that the ballot was an open question with the present administration in England; it was at any rate with the Melbourne Cabinet. Every government had differences of opinion among its members--it was impossible to avoid them--but looking to the number of points on which the present cabinet agreed, and then to the one or two upon which they had disagreed, it was certainly their duty to agree to differ upon them. The hon. member for Norfolk had referred to Sir Robert Peel's speech against open questions, but on that very debate, when Lord John Russell put the question to him, whether there should be no open questions, he was obliged to admit that they were necessary. All he objected to was, that open questions under the Melbourne Cabinet were rather the rule than the exception. He could say for himself, and he was sure for his colleagues, the Commissioner of Crown Lands, and the Inspector General, that they would have readily left the Administration if that could have aided in the settlement of the question. For his own part, if he saw the matter finally disposed of, never again to be brought up, he would willingly leave Parliament<sup>141</sup> and ... public life to-morrow<sup>142</sup>.

MR. J. CAMERON observed that had he not known otherwise, he<sup>143</sup> ((and)) any man in the House<sup>144</sup> would have inferred from the remarks of the Hon. Attorney General West, that he intended to vote against the resolutions. Every argument that had been adduced by him went in favor of the opposition.<sup>145</sup> ((He)) said that when the Attorney General West defended the Cabinet for making this an open question, he had surely forgotten the manner in which he, (Mr. Baldwin) in 1846, had taunted the Attorney General of that day for making an open question of a matter of far less vital importance than the one now under consideration--<sup>146</sup> the settlement of King's College--<sup>147</sup> although that gentleman (Mr. Draper) had sacrificed his views of right and wrong to those pressed upon him either by the House or the country. The Attorney General had said that Mr. Canning and Mr. Peel had both made Catholic emancipation an open question. Did he not remember that when the latter gentleman took that course, for which he had previously<sup>148</sup> much abused the late Mr. Canning ... doing a similar act,<sup>149</sup> that the shade of Canning was said to have risen to rebuke him for the act<sup>150</sup> and was revenged.<sup>151</sup> Was the Attorney General not afraid of a similar vision? (Hear, hear.)<sup>152</sup> So might the Attorney General of that day address the Attorney General of this, and say, "I am avenged."<sup>153</sup> When he was told that there were three courses which the members who brought forward these resolutions might have pursued--he was reminded of the saying of Mr. D'Israeil (sic), in regard to the course of Sir Robert Peel. He said that there was one course which he might have pursued, one that he should have pursued, and the one that he did pursue. (Hear, hear.) If the question was of the importance given to it by the Attorney General, why was it not made a Cabinet question<sup>154</sup> and backed with the power of the government. But there would be no settlement.--The change would be like that of the University question of last year, which it appears by the notices was again to be settled<sup>155</sup>. He was willing to believe his hon. friend, the member for the first Riding of York, when he said he was opposed to all religious endowments; but still, he would ask, why was it not brought before them as a cabinet question?<sup>156</sup> What was the difficulty ...? Was it that there was one man who stood in the

way?<sup>157</sup> Could one man of gigantic intellect prevent them from doing so? Could he prevent all the others from uniting?<sup>158</sup> Surely that man could not be the self-denying member for South York!<sup>159</sup> who talked so much of resigning<sup>160</sup>. Surely it could not be that out of so strong a party, which rose up like a<sup>161</sup> huge cloud<sup>162</sup> night after night, and enveloped that poor small minority<sup>163</sup> on his side of the House<sup>164</sup>, that a colossus could be found to fill any place which might be rendered vacant.<sup>165</sup> He would first consider the question involved in the resolution in a legal point of view, and secondly in a religious, setting aside the meaning ((of the)) words "Protestant Church" which were to be found in the charter of 1791, because they had been settled by the highest authority<sup>166</sup> and he thought that it could not be discussed properly without the latter being fully considered.<sup>167</sup> No one could deny that these reserves were mere (sic) declared to be intended for religious objects, and that the Resolutions before the House would divert them from these objects.<sup>168</sup> An impression had afterwards grown up in some quarters that these lands belonged exclusively to the Church of England, and all the votes of the House, previous to 1840, proceeded on the ground that they were so claimed by a single denomination of Christians. But it was well known that the judges of England had declared that the disposition of the property already invested should not be interfered with. It was, therefore, most disingenuous, and only worthy of a government which made this an open question, to pretend that the only object of these resolutions was, as the hon. member for Vercheres had stated, to bring this property before the Legislature without saying whether it was afterwards to be put into a canal or built into a dyke.<sup>169</sup> He would like to enquire if any hon. member of the Government would rise and tell them what was to be done with the Clergy Reserves when they came into their hands? Were their proceeds to be devoted to schools, to roads and bridges, to canals, or to dykes?<sup>170</sup> He might ask but would obtain no answer.<sup>171</sup> They (the government) were celebrated for keeping silence when questions were put to them. (Hear, hear.)<sup>172</sup> Hon. gentlemen might "smile and smile ----," he would not finish the quotation.<sup>173</sup> If they (the Ministry) were honest, they would have told the House what their views and intentions were.<sup>174</sup> They did not know as yet the opinion of the people as to their disposal, and he thought that the people of England should be informed what it was, before they were asked to give them up.<sup>175</sup> The manner in which ((the resolutions)) ... had been brought into the House was not fair or manly or honest<sup>176</sup>. With all their talent and all their statesmanship arrayed in full force, it was disgraceful that the Ministry, the strong Ministry, should ask that House and the country to join them in demanding the recall of the reserves—not that they might make a new settlement of the question by means of the great power in their hands—not what they conceived to be a more satisfactory footing—not that they had devised or intended to devise any scheme for so doing—but to leave it as a subject of agitation, to excite turmoil and discord throughout the length and breadth of the land—to be the subject of a Legislative enactment for some future people—some future Ministry, who, they knew not, and they cared not.<sup>177</sup> And this too under the auspices of an honourable gentleman, who however conscientious in his convictions of the injustice and impropriety of state endowments for religious purposes, could not but feel that the people of the country would never be guided by the measure proposed, and that his was a cry for peace, peace, where there was no peace intended to come.<sup>178</sup> And what were the arguments used to reconcile, to induce the House to join them? He could not desire better arguments to oppose the ripping up this question anew than those used in favour of it.<sup>179</sup> The Attorney General, West, based his argument on the ground that the Imperial Act, 3 & 4 Vic., did not express the views of the people of the Church of England<sup>180</sup>, that they were opposed to the present settlement<sup>181</sup> conferred upon them by the



Imperial Act of 1840.<sup>182</sup> Was that borne out by the fact? Did he make it appear that that body, composing one-third of the population of Western Canada, had in their parishes, or in public meetings, expressed discontent with that settlement? On the contrary, numbering as they did, upwards of two hundred thousand souls, had they not petitioned by thousands and tens of thousands that the lands appropriated to their use, might be given into their own hands? And had not their petitions been rejected? Did they not by that means show as strongly as it was possible for them to do, their approbation of the Act? And if the Attorney General was sincere when he said that he for one would never consent to<sup>183</sup> sacrifice the interests of the minority<sup>184</sup> in obedience to the demand of a reckless majority, then he would say that there was an opportunity for him to prove his sincerity and his love of right and justice, and accord to a powerful minority that justice of which the hostility of the remainder of the population endeavored to deprive them.<sup>185</sup> The Attorney General West had observed that he did not wish that the Church of England should be dominant and he would ask<sup>186</sup> was there anything in the Church of England itself--was there anything in its principles--in the character of its clergy or of its people that would justify this abuse of power and the rejection of their just claims? Let hon. gentlemen look back at the history of that Church, and point out to him any that surpassed it in the purity, learning or piety of the clergy. It stood matchless, and its history was replete with the names of men who by their consummate wisdom and piety had filled the world with their renown; and when it was asserted that that Church, high though it stood, great as were its claims on the respect of all true christians, ought not to be a dominant church in this country, he would ask what reason it had ever given to make it appear or to insinuate that it ever desired to become dominant? Whether he had ever heard or seen anything in the conduct of its members to inspire a belief that they entertained such a desire? No! He well knew that nothing of the kind had ever been attempted--ever desired, for it was neither possible nor desirable in the situation and circumstances of Canada. The connecting link which bound church and state together in other countries was altogether wanting here--it never had existed and never would exist, and the insinuation, however plausible it might seem, however well calculated to inspire fear of the church, was altogether without foundation, and rested solely on the baseless assertions of those who made it their business to calumniate and revile here.<sup>187</sup> The alliance between church and state, as far as it was a visible alliance, could have no existence in Canada. That alliance was seen in England in the church rates, which were raised under the laws of the land, but in no other respect was it visible, unless, indeed, it was considered visible in the recognition of the church of England, as the established church of the empire, which it would still continue to be, even were an act of Parliament to be passed that the alliance should no longer exist, as that would only destroy the collection of the rates, and not the recognition of the church.<sup>188</sup> That the setting apart the Clergy Reserves for the support of a Protestant clergy was a just and a proper measure there was very little need to prove; that it was an attempt to establish a particular body as a dominant church was altogether out of the power of any man to prove. But when the hon. gentleman desired to show that the title of those lands was defective, he should have gone farther and shown by what title the lands of the Roman Catholic Clergy of Lower Canada were held.--He ought to have convinced his honorable friends from Lower Canada, that if they advocated this motion for the spoliation of the Protestant Clergy of Lower Canada, their Priesthood, their Clergy would stand on safe ground, and had no reason to dread retaliation.--The time might come, and he gave those hon. gentlemen fair warning, and the time would come, that if they now sowed the wind they would by-and-by reap the whirlwind, and although, by their voices, they might sweep away for ever the property which he held sacred,



for the maintenance of the Clergy of his Church, although they might justify themselves on principles of expediency, for committing what he looked upon as an act of spoliation, yet a principle was a principle, and although their views could and would be held to justify the application of the same rule to themselves, if he had a seat in the House when that day came, he would stand side by side with them for the maintenance of right, for the maintenance of justice, and he would battle as strongly for their sacred rights as he did now for the rights of his own Church. But, if they would look at the state of that House, if they observed that there was but a small majority, if any, in favour of this motion to re-open a question that the people of Upper Canada had put out of their hands, they might reasonably entertain a doubt whether they ought to support it, whether it would be of any real utility, and whether Upper Canadians were not averse to it. If, however, they adopted the principles contained in these resolutions, if they voted for a proposition stripping the Protestant Ministry of the trifling support granted to them, if they declared now that in the education of our youth the discipline of the body should be attended to while that of the soul was neglected,<sup>189</sup> a system of education without religion, and without God, such as they in their heart believed to be most injurious<sup>190</sup>, then would they put themselves in direct opposition to every tenet of their faith, and give strength to an argument that could be used to deprive their priesthood of<sup>191</sup> certain privileges and properties<sup>192</sup> which they held under the faith of a treaty of capitulation, and under the different constitutional acts passed since the conquest.<sup>193</sup> That treaty secured to the inhabitants of Canada the free exercise of the Roman Catholic religion, as far as the laws of Great Britain permitted, and when in 1771 the act was passed for the better government of the Province of Quebec, that right was expressly recognized, but the Romish clergy were allowed to "receive and enjoy their accustomed rights and dues with respect to such persons only as shall profess the said religion;" and express authority was given to the king to make such provision out of the rest of such rights and dues for the support of a Protestant clergy, as he should think necessary and expedient; and it was also provided that the tithes of the parish should no longer be paid to the Romish clergy when the majority in the parish were protestants. These provisions were confirmed by the act of 1791; but the power to "vary and repeal" was made applicable to these rights and dues, as well as to the clergy lands, and the legislature might deal with the one as lawfully as with the other; and the legislature of Upper Canada did deal with tithes in that portion of the Province, by passing an act to extinguish the right to them in 1823. It was true that many of their church lands were held by title before the conquest of Canada, but if the spirit of spoliation was abroad would not an argument quickly be found to show that such titles were not indefensible.<sup>194</sup> It would be something new to him if the faith of a treaty served them or was held more sacred than the honour of a king.--The power that was found sufficient to change the latter in Upper Canada would be found equally efficient to sweep away every article of the treaty on which they put their trust. In whom would they then confide to save themselves from the assault made on their rights? Did they expect support and assistance from the spoliators whom they now assist, and who are entwining them in the bands that are to serve for their own destruction. Did they put their faith on the plausible statement that their rights were to be held sacred when all others were swept away, or did they think that the same argument of cui bona now used by them would not have equal weight a few years hence with the population of Upper Canada when its preponderance was fairly established by the stream of emigration that is now pouring from East to West<sup>195</sup> ((filling)) that part of the province with a majority of men of a different religion<sup>196</sup>? Did they not see in the distance the little cloud no bigger than a man's hand, now scarcely visible, but which would speedily overspread the horizon; and did they think that because it was still at a distance,

because there was no immediate danger, that the storm now bursting over his head, scattering and blasting all the fair prospects of his Church, would not with the returning stroke of the lightning herd them into the same abyss of destruction?--They would then be told that the precedent they had established held good against them. That if the Clergy Reserve question were open to legislation, the treaty on which they had trusted, admitted the right of Parliament to legislate respecting their property. That the law as it stood, enabled the legislature to deprive them not merely of that, but of the tithes collected by their clergy, and that they could claim nothing more than their places of worship.<sup>197</sup> If the Legislature were to claim that right, and Great Britain should allow it, where would they turn for protection? Could they look to France to procure the treaty made with a king, whose crown had been dyed with his own blood, and whose dynasty had passed away? Could they look to France--republican, infidel France--to protect them in the rights of religious institutions, which in the pride of her democratic madness she defiled, and trampled upon herself, and had which even now when she had passed through the fiery ordeal, she showed but little either of veneration or respect. They might hold out their hands and cry for aid in vain.<sup>198</sup> They would be told, you made that treaty in order to secure peace and safety to yourselves; the time is now come when it must be abrogated<sup>199</sup> and then, too late, they might remember--"I will laugh at their calamity, and mock when their fear cometh."<sup>200</sup> Aye, the time would come when the arguments now used by hon. gentlemen around him would be found to be based on the truest principles, and however ridiculous it might appear, that the arguments used on the opposite side would be again made use of, whenever they were necessary for wrong to combat against right.--It was to prevent the possibility of such an occurrence, it was to save the clergy of Lower Canada from being despoiled, that he called on hon. gentlemen now to refuse their sanction to an act of injustice in the name of the people of Canada, and that he called on them to throw out these resolutions. If they refused to listen to that appeal, then he had but one hope left--that being but one member of the great body politic, and that as a wrong inflicted on one member is felt by the whole body, the Imperial Government would not give their sanction to this motion, as they would perceive that it would be the signal for the howling multitude who were desirous of pulling down the Church at home. He wished to know why hon. gentlemen opposite,<sup>201</sup> who professed such horror of annexation, or of the importation of anything which was good<sup>202</sup>, not drawn from the example of the neighboring States, should wish to put our clergy<sup>203</sup> ((in)) a colony still boasting of being British,<sup>204</sup> in a worse position than they occupied on the other side of the water. He alluded to the endowments of Trinity Church<sup>205</sup>, New York<sup>206</sup>. At first those endowments were worth but £26 of the current money of the day, per annum. Now they are worth an immense sum, and although one would imagine from the statements put forth that that Church was replete with arrogance and exclusiveness, it had granted two millions of dollars to other denominations. Was that no proof of the benefit of those endowments--endowments which were preserved sacred through all the turmoil and excitement of Revolution? The rights of Columbia College, formerly called King's College, in New York, had also been preserved under the Republican Government of the United States. When that was the case, had he not a right to expect that the rights of property should be respected under the constitution of Canada? Was it to be said that our boasted constitution was incapable of preserving those rights, or was he to understand that they were to sweep away at one blow that which had been settled on the first principles of justice, and to call on the Imperial Parliament to render null the stern dictates of law on which their decision was founded?<sup>207</sup> The Imperial act of 1840 had purposely taken the power of change out of the hands of the Colonial Legislature. The legal argument then was per-



fect<sup>208</sup>. No matter what opinion hon. gentlemen might have as to the judiciousness of the settlement, they ought to respect it since it had been made, they ought to be cognisant (sic) of the fact that the lands had been granted by the king, and that the people had no real grounds to claim them as a part of their domain, and that it would be much better for that peace and quietness which they were supposed to advocate, that they should remain in the hands of their present possessors than that they should be<sup>209</sup> indefinitely disturbed by fresh changes. But treat the question as a religious question--treat the endowment as coming from a religious nation--it was a munificent provision for those who were to be the future inhabitants of the country--a provision for their spiritual service. Should the spoliation take place because the endowments were opposed to the principles of the church of the hon. member for the South Riding?<sup>210</sup> They said, however, that those lands were required for educational purposes, and that the Clergy ought to be supported by their congregations. Well, there is at this moment a munificent provision for education already, and it appeared to him altogether to be an ad captandum argument, used to blind the people to the evils likely to follow the adoption of this measure. Taking for authority, the statements of the most eminent divines in the United States, it would be found that the voluntary system there had not worked as well as some hon. gentlemen would have the House believe, and<sup>211</sup> here it was a frequent newspaper notice that<sup>212</sup> from time to time ... a Clergyman could not have existed in different sections of the Province if it were not for the moderate assistance afforded him by the Clergy Reserve fund, he thought a very strong argument, indeed, was afforded against it, and when he found that<sup>213</sup> in the United States<sup>214</sup> religious instruction was diffused much more widely wherever there was a public provision for the support of the Clergy than where none existed, that argument was rendered still stronger.<sup>215</sup> In many townships the people were not rich enough to support a ministry. Take this allowance from them and they would be deprived of the word of God.<sup>216</sup> For he could not believe that religious instruction could be given to the people by a ministry, he did not care of what religious creed, riding through the country and preaching in a place one day where he would not perhaps preach again for three months. No, he was convinced that it could not be obtained in any other way than by the stated attendance of a minister of religion at a particular place, and that could only be procured by making a permanent provision for the purpose.<sup>217</sup> The only names eminent for piety in the United States were Edwards, Dwight, and Stuart, while under the system which existed in England men eminent for piety abounded.<sup>218</sup> The hon. gentleman then read some extracts from the reports of the most enlightened divines across the water, in order to show the working of the other system, showing that when the support had been withdrawn from the ministry, churches had disappeared, congregations had been dispersed, and irreligion had in their stead taken possession of the land.<sup>219</sup> Many men there were in favor of church establishments.<sup>220</sup> Would they now tell the people of this Province that while they are forbidden to give their children a religious education, the parents should at the same time be deprived of that instruction from the services of a regular minister which might in some respects supply the deficiency. One district has more than, according to the census, one-eighth of its population which belongs to no church whatever, whilst one-fourteenth of the entire population is in the same position; let hon. gentlemen be aware that that number did not increase to a tenth, an eighth--aye, even a fifth--for it would be found, but perhaps when it was too late, that to introduce the rule of expediency into religion, was to worship God without avoiding sin.<sup>221</sup> He would call on them to beware of what they were about to do, for did they vote for those resolutions, they would some day or other regret it.<sup>222</sup>

MR. H. BOULTON (Norfolk) rose for the purpose of moving an amendment, framed



on the address of the Attorney General West, to his constituents, previous to the last elections: that when a minister of the crown differs with his colleagues in the advice which he feels it to be his duty to tender the crown on a great political question, it was his duty to resign. He should like to hear of the division which had taken place among the ministry, on this highly important question, had it not proved that the hon. gentleman who wrote that address coolly and deliberately, had broken his faith. What was right, what was moral, in 1847, had not certainly lost its force in 1850. But their conduct throughout had shown that their object was not to procure such an expression of opinion as would carry weight with it on the other side of the Atlantic, but solely to keep alive an agitation which the Commissioner of Crown Lands pretended that he wanted to see suppressed.<sup>223</sup> The present was not a sincere attempt to settle the question, but merely an attempt of the hon. mover of the resolutions to add to his political popularity. The precedents cited by hon. Attorney General had been agreed to be made open questions before the formation of the Ministry, without one exception; and always in England, when questions were made open questions, they were previously agreed upon.<sup>224</sup> He should also like to know from the Attorney Gen. if this question had been discussed at the formation of the Ministry, and if so, whether it was resolved to leave it an open question. If that resolution were formed, then he would say they had been very backward in communicating it to the House. If they had not formed such a resolution then he charged them with disingenuousness, and obtaining the confidence of the public on false pretences.<sup>225</sup> The hon. Attorney General had asserted that there were only three courses. It was true that there was a fourth course, to have allowed the question to be taken up by an independent member instead of by a minister; but he supposed that that would not so well have suited the hon. member for the South Riding.<sup>226</sup>

MR. AT. GEN. BALDWIN could not understand how it was possible for the Cabinet to come to any decision before it was formed. He hoped, however, that when he and his friends vacated their seats on the Treasury Benches, to the mover and seconder of this amendment, they would take care to discuss all their views and projects in the first place, so that no trouble might be caused by the little differences which would necessarily arise between them from the Republican schemes of the hon. member for Norfolk. This amendment was of course a mere attempt to evade the question by refering (sic) to the footing on which he stood with his constituents<sup>227</sup>. ((He)) did not disavow the sentiments he had formerly used to his constituents; but circumstances had changed and it was impossible to see what circumstances might turn up. He did not pretend to see into futurity and must take things as they came.<sup>228</sup> He did not think it a fit subject to occupy the time of the House, as he understood on what footing he stood with ... ((his constituents)) quite as well as the hon. member for Norfolk.<sup>229</sup>

MR. H. BOULTON interrupted him by asking if the precedents of open questions that he had referred to in England were not agreed to be so before the formation of the cabinets.<sup>230</sup>

MR. AT. GEN. BALDWIN did not answer the question<sup>231</sup>.

MR. JOHNSON would not support the amendment, as it was in reality a vote of want of confidence in the Ministry.<sup>232</sup>

MR. H. SHERWOOD had yet to learn that this was an open question, as every member of the Cabinet who had spoken declared himself in favor of the Resolutions. It had every appearance of being a mere trick to say so, in order to save themselves the necessity of retiring from the administration if defeated. But if the Attorney General East, who had not as yet expressed any opinion,

would rise and state whether his opinions differed with those of his colleagues, it would be very satisfactory to the House.<sup>233</sup>

MR. AT. GEN. LAFONTAINE was quite ready to discuss the question, but he believed that a wish to adjourn was general.<sup>234</sup>

COL. PRINCE moved the adjournment.<sup>235</sup>

Cries of "no, no." "Go on."<sup>236</sup>

COL. PRINCE was very anxious to obtain the views of honorable gentlemen from Lower Canada, which he was quite sure would be fully expressed by the Attorney General East, and he put it to hon. gentlemen whether it would be just to the Attorney General, who governed Lower Canada with so much care, to call on him at that late hour of the night. (Laughter). Yes, hon. gentlemen might laugh, but he spoke advisedly when he said that the Attorney General East governed not only Lower Canada, but Upper Canada also.<sup>237</sup>

(76)

*The Honorable Mr. Boulton moved in amendment to the Question, seconded by the Honorable Mr. Macdonald, That all the words after "That" to the end of the Question be left out, in order to add the words, "in the language of the Honorable Robert Baldwin, in his address to the Electors of the Fourth Riding of the County of York, on the 8th December, 1847, preparatory to the last Election, that 'when an adviser of the Crown, on a great public question, avows a scheme which his colleagues dare not approve, public safety and public morals require that they should separate;' that this question of the Clergy Reserves is one, in the language of the same learned Gentleman on the same memorable occasion, 'in which every man in the country, either directly or indirectly, is interested, and on which a Government is bound to choose its side, and upon that side to use all its power and legitimate influence;' and that this House perceives with the deepest regret that in violation of these great and undoubted principles of political morality, and after the Government, by the mouth of the same learned Gentleman, their present Attorney General for Upper Canada, has declared to this House that they have, as a Government, no opinion upon this all-engrossing topic; yet, the Honorable the Commissioner for Crown Lands, being one of the present advisers of the Crown, has thought fit to bring the stability, the integrity, and morality of the Government into jeopardy, by drawing this House into a discussion of this vital question upon his own individual responsibility, and either against the declared wishes of his colleagues, or at least without the aid of their power and legitimate influence which, before they came into office, the Attorney General declared, in the most deliberate and solemn manner, it was the duty of every Government to exert;"*

*Mr. Notman moved, seconded by Mr. Scott of Bytown, and the Question being put, That the further consideration of the proposed Amendment be postponed until to-morrow; the House divided: and the names being called for, they were taken down, as follow:--*

YEAS.

*Messieurs Badgley, Bell, Boulton of NORFOLK, Boulton of TORONTO, Cameron of CORNWALL, Cameron of KENT, Cayley, Christie, Crysler, Fergusson, Guzy, Johnson, McLean, Notman, Prince, Scott of BYTOWN, Smith of FRONTENAC, and Viger.--(18.)*

NAYS.

*Messieurs Armstrong, Attorney General Baldwin, Bouthillier, Cartier, Chahot, Chauveau, Davignon, DeWitt, Solicitor General Drummond, Dumas, Flint, Fortier, Fournier, Guillet, Hincks, Holmes, Hopkins, Jobin, Attorney General LaFontaine, LaTerrière, Laurin, Solicitor General Macdonald, Macdonald of KINGSTON, McConnell, McFarland, Merritt, Méthot, Meyers, Mongenais, Morrison, Papineau, Polette,*



Price, Richards, Ross, Scott of TWO MOUNTAINS, Sherwood of TORONTO, Stevenson, and Thompson.--(39.)

*So it passed in the Negative.*

Mr. Christie moved, seconded by Mr. Prince, and the Question being put, That the Debate be further adjourned until to-morrow; the House divided:--And it passed in the Negative.

The Question being then put on the Amendment, the House divided: and the names being called for, they were taken down, as follow:--

YEAS.

Messieurs Badgley, Boulton of NORFOLK, Boulton of TORONTO, Cameron of KENT, Hopkins, Macdonald of KINGSTON, Sir Allan N. MacNab, Meyers, Prince, Sherwood of BROCKVILLE, and Sherwood of TORONTO.--(11.)

NAYS.

Messieurs Armstrong, Attorney General Baldwin, Bell, Bouthillier, Cameron of CORNWALL, Cartier, Cauchon, Cayley, Chabot, Chauveau, Christie, Crysler, Davignon, DeWitt, Solicitor General Drummond, Duchesnay, Dumas, Flint, Fortier, Fournier, Gagy, Guillet, Hall, Hincks, Holmes, Jobin, Johnson, Lacoste, Attorney General LaFontaine, LaTerrière, Laurin, Lemieux, Solicitor General Macdonald, McConnell, McFarland, McLean, Merritt, Méthot, Mongenais, Morrison, Notman, Papineau, Polette, Price, Richards, Ross, Sanborn, Sauvageau, Scott of BYTOWN, Scott of TWO MOUNTAINS, Smith of DURHAM, Smith of FRONTENAC, Thompson, and Viger.--(54.)

*So it passed in the Negative.*

And the Question being again proposed, That the reservation of a large portion of the Public Domain of the Province for the support of a Protestant Clergy, by an Act passed in the thirty-first year of Her Majesty's Royal Predecessor King George the Third, has been for many years a source of intense dissatisfaction to the great majority of Her Majesty's subjects in Upper Canada;

Mr. Gagy moved, seconded by Mr. Prince, and the Question being put, That the further consideration of the Question be postponed until to-morrow, and be then the first Order of the day; the House divided: and the names being called for, they were taken down, as follow:--

YEAS.

Messieurs Armstrong, Badgley, Bell, Boulton of NORFOLK, Boulton of TORONTO, Bouthillier, Cameron of CORNWALL, Cameron of KENT, Cartier, Cayley, Chauveau, Christie, Crysler, Solicitor General Drummond, Duchesnay, Dumas, Fergusson, Fortier, Fournier, Gagy, Hall, Hincks, Holmes, Jobin, Johnson, Attorney General LaFontaine, LaTerrière, Lemieux, Lyon, Solicitor General Macdonald, Macdonald of KINGSTON, McFarland, McLean, Merritt, Méthot, Meyers, Mongenais, Morrison, Notman, Price, Prince, Ross, Sanborn, Sauvageau, Scott of BYTOWN, Sherwood of BROCKVILLE, Smith of FRONTENAC, Thompson, and Viger.--(49.)

NAYS.

Messieurs Attorney General Baldwin, Cauchon, Chabot, Davignon, DeWitt, Flint, Guillet, Hopkins, Lacoste, Laurin, McConnell, Papineau, Polette, Scott

(77)

of TWO MOUNTAINS, Sherwood of TORONTO, Smith of DURHAM, and Stevenson.--(17.)

*So it was resolved in the Affirmative.*

Champlain and  
St. Lawrence  
Railroad Bill.

The Order of the day for the second reading of the Bill to authorize the Company of Proprietors of the Champlain and St. Lawrence Railroad to extend the said Road, and for other purposes, being read;



*The Bill was accordingly read a second time; and referred to the Standing Committee on Railroads and Telegraph Lines.*

Orders  
deferred.

Ordered, That the remaining Orders of the day be postponed  
until to-morrow.

*Then, on motion of the Honorable Mr. Hincks, seconded by Mr. Richards,  
The House adjourned.*

APPENDIX: 19 JUNE 1850.

((COMMENT RE: PETITION CONCERNING SHERBROOKE TO LAKE MEMPHRAMAGOG ROAD.))

MR. MCCONNELL drew the attention of the Government to a petition praying for a grant of money to aid in opening up a road from Sherbrooke to the Lake Memphramagog. He explained that this was a thinly settled spot in the midst of a thickly settled country; but that the road would be of the very greatest use in connecting the main lines of road in that neighbourhood.<sup>238</sup>

MR. SANBORN spoke to the same effect. He said that a small outlay of the revenue for that purpose would confer an immense advantage to the people of the neighbourhood in question. A steamboat was in process of construction for the Lake, which would connect the road with the opposite side. It would, if connected, open up a pleasure route as agreeable as any in the province.<sup>239</sup>

FOOTNOTES: 19 JUNE 1850.

1. GLOBE, 22 June 1850.
2. IBID.
3. The following papers reported the debate on this matter in partially identical accounts: BRITISH COLONIST, 21, 25 June 1850, EXAMINER, 25 June 1850, BATHURST COURIER, 12 July 1850; NORTH AMERICAN, 25 June, 12 July 1850, BRITISH COLONIST, 21 June 1850, EXAMINER, 25 June 1850, HAMILTON SPECTATOR, 26 June 1850, BATHURST COURIER, 12 July 1850; HAMILTON SPECTATOR, 26 June 1850, PILOT, 25, 27 June 1850, copied from GLOBE, of unknown date, PACKET, 29 June 1850, BRITISH COLONIST, 25 June 1850, and EXAMINER, 26 June 1850. The debate was also reported by: MONTREAL GAZETTE, 24 June 1850. A commentary appeared in NORTH AMERICAN, 12 July 1850.
4. HAMILTON SPECTATOR, 26 June 1850.
5. NORTH AMERICAN, 25 June 1850.
6. HAMILTON SPECTATOR, 26 June 1850.
7. IBID.
8. IBID.
9. NORTH AMERICAN, 25 June 1850.
10. HAMILTON SPECTATOR, 26 June 1850.
11. NORTH AMERICAN, 25 June 1850.
12. HAMILTON SPECTATOR, 26 June 1850.
13. MONTREAL GAZETTE, 24 June 1850.
14. HAMILTON SPECTATOR, 26 June 1850.
15. MONTREAL GAZETTE, 24 June 1850.
16. NORTH AMERICAN, 25 June 1850.
17. MONTREAL GAZETTE, 24 June 1850.
18. NORTH AMERICAN, 25 June 1850.
19. HAMILTON SPECTATOR, 26 June 1850.
20. NORTH AMERICAN, 25 June 1850.
21. MONTREAL GAZETTE, 24 June 1850.
22. NORTH AMERICAN, 25 June 1850.
23. HAMILTON SPECTATOR, 26 June 1850.
24. IBID.
25. IBID.
26. NORTH AMERICAN, 25 June 1850.
27. MONTREAL GAZETTE, 24 June 1850.
28. NORTH AMERICAN, 25 June 1850.
29. MONTREAL GAZETTE, 24 June 1850.
30. HAMILTON SPECTATOR, 26 June 1850.
31. MONTREAL GAZETTE, 24 June 1850.
32. NORTH AMERICAN, 25 June 1850.
33. HAMILTON SPECTATOR, 26 June 1850.
34. MONTREAL GAZETTE, 24 June 1850.
35. HAMILTON SPECTATOR, 26 June 1850.
36. MONTREAL GAZETTE, 24 June 1850.
37. HAMILTON SPECTATOR, 26 June 1850.
38. MONTREAL GAZETTE, 24 June 1850.
39. NORTH AMERICAN, 25 June 1850.
40. MONTREAL GAZETTE, 24 June 1850.
41. HAMILTON SPECTATOR, 26 June 1850.
42. MONTREAL GAZETTE, 24 June 1850.
43. HAMILTON SPECTATOR, 26 June 1850.
44. NORTH AMERICAN, 25 June 1850.
45. HAMILTON SPECTATOR, 26 June 1850.



46. NORTH AMERICAN, 25 June 1850.
47. MONTREAL GAZETTE, 24 June 1850.
48. NORTH AMERICAN, 25 June 1850.
49. MONTREAL GAZETTE, 24 June 1850.
50. NORTH AMERICAN, 25 June 1850.
51. HAMILTON SPECTATOR, 26 June 1850.
52. MONTREAL GAZETTE, 24 June 1850.
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79. HAMILTON SPECTATOR, 26 June 1850.
80. NORTH AMERICAN, 25 June 1850.
81. HAMILTON SPECTATOR, 26 June 1850.
82. NORTH AMERICAN, 25 June 1850.
83. HAMILTON SPECTATOR, 26 June 1850.
84. IBID.
85. NORTH AMERICAN, 25 June 1850.
86. HAMILTON SPECTATOR, 26 June 1850.
87. MONTREAL GAZETTE, 24 June 1850.
88. NORTH AMERICAN, 25 June 1850.
89. IBID.
90. HAMILTON SPECTATOR, 26 June 1850.
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93. MONTREAL GAZETTE, 24 June 1850.
94. HAMILTON SPECTATOR, 26 June 1850.
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102. HAMILTON SPECTATOR, 26 June 1850.
103. IBID.
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112. MONTREAL GAZETTE, 24 June 1850.
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142. NORTH AMERICAN, 25 June 1850.
143. IBID.
144. MONTREAL GAZETTE, 24 June 1850.
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146. HAMILTON SPECTATOR, 26 June 1850.
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160. HAMILTON SPECTATOR, 26 June 1850.
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167. HAMILTON SPECTATOR, 26 June 1850.
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174. NORTH AMERICAN, 25 June 1850.
175. HAMILTON SPECTATOR, 26 June 1850.
176. NORTH AMERICAN, 25 June 1850.
177. HAMILTON SPECTATOR, 26 June 1850.
178. BRITISH COLONIST, 25 June 1850.
179. HAMILTON SPECTATOR, 26 June 1850.
180. BRITISH COLONIST, 25 June 1850.
181. HAMILTON SPECTATOR, 26 June 1850.
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221. HAMILTON SPECTATOR, 26 June 1850.
222. NORTH AMERICAN, 25 June 1850.
223. IBID.
224. MONTREAL GAZETTE, 24 June 1850.
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229. NORTH AMERICAN, 25 June 1850.
230. MONTREAL GAZETTE, 24 June 1850.
231. IBID.
232. NORTH AMERICAN, 25 June 1850.
233. IBID.
234. IBID.
235. IBID.
236. IBID.
237. IBID.
238. MONTREAL GAZETTE, 24 June 1850.
239. IBID.

THURSDAY, 20 JUNE 1850.

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Petitions  
brought up.

THE following Petitions were severally brought up, and laid on the table:--

By Mr. DeWitt,--The Petition of Samuel B. Pelton, of the Township of Godmanchester, District of Montreal.

By Sir Allan N. MacNab,--The Petition of G.R. Reilly, and others, members of the Medical Profession in Hamilton.

By the Honorable Mr. Cameron of Kent,--The Petition of the Conference of the Canadian Wesleyan Methodist New Connexion Church.

By Mr. Chauveau,--The Petition of J. Huston, Compiler of the Répertoire National de Littérature Canadienne.

By Mr. Notman,--The Petition of Martin MacKinnon, of the Township of Vaughan.

By Mr. Scott of Two Mountains,--The Petition of J. Dorion and others, of the Village of St. Ours, District of Montreal.

By Mr. Ross,--The Petition of the Reverend William V. Lloyd, Minister, and others, Wardens and members of the Church of England at Leeds.

By the Honorable Mr. Price,--The Petition of the Municipal Council of the County of York; and the Petition of Alexander Buchanan, Chairman, on behalf of a public meeting of the inhabitants of the Township of Dumfries.

Petitions  
read.

Pursuant to the Order of the day, the following Petitions were read:--

Of the Reverend John McKeown, Minister, and others, Wardens and members of the Church of England at Hemmingford; of the Reverend Samuel S. Wood and others, the Rector and Church Wardens of the Church of England at Three Rivers; of the Right Reverend the Lord Bishop of Montreal and others, the Clergy, Wardens and members of the several Congregations of the Church of England at Quebec; and of the Corporation of Bishop's College in the Diocese of Quebec; praying that the privilege of granting degrees in the Arts and in Divinity be extended to the said College, and that the annual grant be so increased as to place it upon an equal footing with similar institutions throughout the Province.

Of Thomson Smith and others, merchants, shipowners, captains, and others; praying for the further improvement of the Welland Canal in view of the increase of business therein.

Of Messieurs Thomas Wilson and Company, and others, merchants and manufacturers extensively engaged in the Timber Trade of Canada; and of the Board of Trade of Quebec; praying that the Bill now before the House for amending the Act regulating the culling and measurement of timber, masts, spars, deals, staves, and other articles of a like nature, be not passed into Law.

Of John McGill Chambers, of the Township of Montague; praying that Commissioners be appointed to settle finally the boundary line between the fourth concession of the said Township and North Elmsley.

Of the Municipality of the Township of Canborough; praying that no alteration be made in the Township of Seneca nor in the County of Haldimand.

Of the Municipal Council of the County of Vaudreuil; praying that the works on Isle Perrot be continued,--that two bridges be constructed at Vaudreuil and Ste. Anne, and that a Railroad be constructed from Montreal to Toronto with a view to its continuance west, as a Provincial Railroad.

Of the Toronto, Simcoe, and Huron Railroad Union Company; praying for the amendment of their Act of Incorporation.

Of Jordan Challenger and others, of the Town and vicinity of Chatham; praying that the application to incorporate the Elgin Association be not granted,

and that measures be adopted to discourage the emigration of colored people into this Province, and to disqualify them from enjoying certain civil and political rights.

Of the Reverend Paul Shirley and others, of Camden East; praying that measures be adopted to abolish all labor on the Lord's Day in the Postal Department of the Public Service.

Of John Goodbody and others, Members of the Municipal Council, and Rate-payers of the Municipality of the County of Terrebonne; praying that the Village of Terrebonne may be substituted for Ste. Thérèse as the place of meeting of the said Municipal Council.

Of Samuel Solmes and others, of the first concession of the Township of Sophiasburgh; praying for the passing of an Act to prevent the Statute of possession from interfering with a certain Survey of the concession.

Of the Reverend J.P. Kelly and others, of the Town of William Henry; praying for aid in support of Male and Female Model Schools established in the said Town.

Petition of P.  
U. Archambault  
and others,  
referred.

Mr. Dumas moved, seconded by the Honorable Mr. Viger, and the Question being put, That the Petition of P.U. Archambault and others, of the County of Leinster, praying for the re-establishment of the ancient limits of the Circuit of L'Assomption, be referred to a Select Committee, composed of the Honorable Mr. Viger, Mr. Cauchon, Mr. Chauveau, Mr. Lemieux, and the mover, to examine the contents thereof, and to report thereon with all convenient speed; with power to send for persons, papers, and records; the House divided:--And it was resolved in the Affirmative.

Report on Pe-  
tition of the  
Provisional  
Municipal  
Council of  
Haldimand.

Mr. Thompson, from the Select Committee to which was referred the Petition of the Provisional Municipal Council of the County of Haldimand, and other references, presented to the House the Report of the said Committee; which was read, as followeth:--

Your Committee have examined the several Petitions referred to them, praying that no new Township may be formed out of parts of the Townships of Seneca and Onondaga as has been prayed for by another Petition presented to Your Honorable House, and they have duly considered

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the allegations and prayers contained therein.

Your Committee find not only that a very large proportion of the inhabitants of the Township of Seneca have petitioned against any division of that Township, but that the Municipal Council thereof, and each of the respective Municipalities within the County of Haldimand, have petitioned to the same effect.

It would also appear that the Municipal Council of Haldimand relying upon the faith of the Legislature that no alteration would be made in the existing limits of the County as established under the Municipal Act of last Session, are proceeding rapidly with the erection of a Gaol and Court House, and the necessary public offices, in a central position, and at a heavy expense; and were any portion of the said County now taken off and included within another Municipal Division, it is obvious that the means of the County to meet this expenditure would be proportionately reduced thereby.

Another important consideration would also appear to be involved in the proposed change, namely, that the Township of Seneca would be so reduced in size as to render it too small to sustain the Municipal expenses, averaging, ordinarily, from £70 to £100 per annum; it would also seriously disturb the present division of School Districts, and render comparatively useless the School sites and School houses which have been procured at considerable expense to the settlers.



Your Committee find on examination, that the farthest extremity of the Township is within eleven and a quarter miles of the County Town of Haldimand, having the advantage of easy access by navigation and by good roads leading direct thereto, while the separation of a portion of the Township (as prayed for in the Petition of Alexander Scobie and others) would extend the limit of the County of Wentworth to within five miles and a quarter of the County Town of Haldimand, and would at the same time reduce Seneca, which at present contains only about 37,000 acres, to 24,000, of which 10,000 is but indifferent land, and a considerable portion of it unfit for agricultural purposes. The Township of Onondaga, which is also proposed (in the above mentioned Petition) to be divided, now contains but 22,000 acres of land, much of which is of indifferent quality, and would then be reduced to about 11,000 acres; and the new Township sought to be created out of the portions to be detached from these two Townships, would contain only 23,897 acres, a part of which is waste land.

Your Committee would respectfully state their opinion, that both the said Townships of Seneca and Onondaga, even as they now stand, are full small to sustain the Municipal expenses; but if a third Township were carved out from them, thereby increasing the Municipal expenditure fifty per cent, it would prove grievously oppressive, and do a great injustice not only to the inhabitants of Seneca, but to the County of Haldimand. It is obvious, in the opinion of Your Committee, that the operation of the Municipal Incorporation Act renders it rather necessary and desirable to extend than reduce the size of the respective Townships, which they would submit ought not, as a general rule, to contain less than from 50,000 to 80,000 acres, more especially in newly settled parts of the country.

Your Committee would therefore respectfully suggest, in view of the considerations above mentioned, that no alteration be made in the present limits of the Township of Seneca, or of the County of Haldimand.

Report on Pe-  
tition of the  
Rev. Messire  
Lebourdais  
and others.

Mr. Armstrong, from the Select Committee to which was referred the Petition of the Reverend Messire Lebourdais and others, of the County of St. Maurice, presented to the House the Report of the said Committee; which was read, as followeth:--

Your Committee, after having carefully examined the Petition referred to them, are of opinion that the removal of the Registry Office from the Town of Three Rivers to the Parish of Yamachiche, would cause greater and more serious inconveniences and disadvantages than your Petitioners complain of.

That numbers of people daily arrive from different parts of the County of St. Maurice (which is not very great in extent) to the market in that Town, either for the purpose of selling or purchasing, and for other transactions before the Courts of Justice, so that many are at the very door of the Registry Office, while the inhabitants of the Town would not have the same advantages if the office were removed.

Your Committee, further, are of opinion that the Registry Office ought necessarily to be at the Town of Three Rivers, where the Criminal, Superior, Quarter Sessions, and Circuit Courts are held, and that in each County the Registry Office should always be in the same place as that at which the sittings of the Courts of Justice are held, which is generally the chief place and commercial centre.

Your Committee, for the reasons above mentioned, do not think it necessary to recommend the allegations and conclusions of the said Petition to the consideration of Your Honorable House.

Fisheries.

The Honorable Mr. Attorney General LaFontaine, one of Her Majesty's Executive Council, presented, pursuant to

an Address to His Excellency the Governor General, the following Return:--

Return to an Address from the Legislative Assembly to the Governor General, dated 3rd instant, praying His Excellency to cause to be laid before the House, copies of any Despatches which may have been received by His Excellency from the Imperial Government, relating to the Fisheries carried on from the District of Gaspé or other parts in this Province, or to the relief of the said Fisheries, by exempting Salt, or other articles necessary in carrying on the same, from the Duties imposed by the Tariff or Duties of Customs imposed by a Law of last Session of the Legislature of this Province.

By Command,

J. LESLIE,  
Secretary.

Secretary's Office,  
Toronto, 20th June, 1850.

Copy.--No. 426

Downing Street,  
11th October, 1849.

My Lord,--With reference to my Despatch No. 425, of the 10th instant, enclosing an Order of Her Majesty in Council, leaving to its operation an Act passed by the Legislature of Canada on the 25th of last April, intituled, "An Act to amend the Laws relative to Duties on Customs," I transmit herewith, for Your Lordship's information, copies of a Correspondence which has passed between the Board of Trade and this Department on the subject of the duty imposed by authority of this Act upon articles used by persons engaged in the Fisheries of Gaspé.

Although I find from information which has been communicated to me by the Inspector General of Canada, that the interests of the Fishermen of Gaspé were not overlooked when this Act was under the consideration of the House of Assembly, I fear, nevertheless, that the statement made by the Memorialists that the tax levied upon Salt occasions serious injury to their trade, is not destitute of foundation. Entertaining this impression, I have to instruct Your Lordship to recommend the Legislature, at its next Session, to remit the duty

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on this article, unless there should be any reason, with which I am unacquainted, which should render it inexpedient in Your Lordship's judgment to take that course.

I have further to observe on the subject of the Act in question, that while Her Majesty's Confidential Servants have not thought it expedient to advise that Her Majesty's sanction should be withheld from it, they regret that it should have been found necessary, by the Legislature of Canada, to impose such high rates of duty upon many of the articles to which this act applies: though these duties appear to have been in all cases imposed with a view merely to revenue, and not for the purpose of artificially encouraging the production of particular articles within the Province which can be more cheaply obtained by importation, (to which I need hardly say that Her Majesty's Government must have objected,) I cannot but fear that the imposition of such high duties will have a tendency to check the progress of Canadian commerce; and I hope that whenever the state of the finances will admit of it, these duties may be reduced so as to give to trade that freedom which so much contributes to its success and to the productiveness of industry.

I have, &c.

(Signed,) GREY

Governor, The Right Honorable



*The Earl of Elgin and Kincardine,  
&c. &c. &c.*

*Copy.*

*Office of Committee of  
Privy Council for Trade,  
Whitehall, 28th June, 1849.*

*Sir,--I am directed by the Lords of the Committee of Privy Council for Trade to transmit for the consideration of Earl Grey, the enclosed Memorial, which has been addressed to them by certain merchants and others interested in the Fisheries of Gaspé, in Lower Canada.*

*The Memorialists had an interview with the President of this Board this day, upon which occasion they stated that, by a recent Act of the Canadian Legislature, import duties, amounting on the whole to 12½ per cent. have been imposed upon certain articles (hitherto free of duty,) which are indispensable for the operations of the Fisheries. These articles consist of Salt, Molasses, Cordage, Pitch, Tar, Turpentine, Leather, Fishermen's Clothing, Hosiery, Fishing Craft Utensils, &c., and Provisions of all kinds. The duty on Salt, an article of the first importance for these purposes, is said to be specially heavy.*

*They represent that the imposition of these duties will destroy the Export trade which is at present carried on from these Fisheries, by rendering it impossible for them to compete with those of other countries where such duties do not exist; adverting moreover to the fact that in Newfoundland and Nova Scotia, the Fisheries are not subject to any similar duties,--and they state that the severest injury will be consequently inflicted upon the District in question, the population of which, amounting to 22,000, is mainly dependant upon this branch of industry.*

*Considering the peculiar position of Gaspé, separated as it is from Canada, both geographically, and in the general interests of the inhabitants, My Lords cannot but apprehend that, in adopting the above mentioned Act, the Canadian Legislature may not have sufficiently regarded its effect upon this particular locality, and I am directed to request that Earl Grey's attention may be called to the circumstances of the case, with a view of considering how far it may be possible to take any steps in the matter which may avert from the Fisheries of Gaspé the injury which is anticipated by the Memorialists.*

*I am, &c.,*

*(Signed,) DENIS LEMARCHANT*

*B. Hawes, Esquire, M.P.  
&c. &c. &c.*

*Copy.*

*16 Devonshire Square,  
28th June, 1849.*

*My Lords,--We beg to draw Your Lordships' attention to a grievance of a most serious nature, inasmuch as it threatens with ruin a population of 22,000 souls, who derive their scanty subsistence from the Fisheries all along the coast of Gaspé, in Lower Canada, embracing the whole littoral of that country.*

*The Crown of England has always encouraged the Fisheries, and allowed Salt and Fishing articles to be imported free of duty for the benefit of these poor people on the coast of Gaspé.*

*Our present complaint for which we solicit your kind interference, consists in the following grievance, that the Canadian Legislature has recently enacted a Law taxing Salt and other Fishing articles (which formerly were exempt,) with a duty of 12½ per cent. besides an additional duty of one penny per bushel on the article of Salt alone, which is equal to nearly 50 per cent. on the first cost.*



We do not seek to evade the increased duty of 5 per cent. on the general imports into Canada, but confine ourselves in soliciting an exemption of duty on articles absolutely requisite for the use of the Fisheries.

We are ready to submit to the most stringent regulations which the authorities may require to prevent fraud or smuggling, begging at the same time to observe that those articles which are for the use of the Fisheries, are not of a nature for the rapacity of the smuggler, they being quite unsaleable in the interior of that territory.

(Signed,)

FREDERICK JANVRIN,

JOHN HARDELEY,

Representing the firm of Ch. Robin & Co. and others  
interested therein,

The Lords of the Privy  
Council for Trade.

&c. &c. &c.

Copy.

Memorandum.

The Act referred to in the accompanying papers having been carried through the Legislative Assembly by me, I am able to give the fullest information on the subject. The position of the Gaspé Fishermen was not overlooked, but the Assembly, by a very large majority, negatived an amendment proposed by the Member for Gaspé for the purpose of meeting the views of the complainants. I am unaware upon what principle the Fishermen of Gaspé claim to be relieved from the payment of duties on provisions and clothing to which other classes of the inhabitants are subjected. The exemption in their favor, in former Acts, led to demands on the part of those engaged in the Lumber Trade, in Mining, and in Ship-building for a similar privilege, and it certainly appeared to me, that if a principle which I consider unsound were admitted, it would be exceedingly difficult to draw a line of distinction. I think that perhaps an exception might have been made in the case of Salt; but no amendment having been offered specially referring to that article, the sense of the House was not taken on it. The duty on Salt is higher than I could wish, but it is likely to produce a considerable revenue, and I cannot hold out any immediate prospect of its being repealed. With regard to the other articles named, I do not think that the Canadian Legislature would be disposed to

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place Gaspé on a different footing from other parts of the Province.

(Signed,)

F. HINCKS,

Insp. Gen. of Canada.

Morley's Hotel,

4th July, 1849.

Copy.

Downing Street,

14th July, 1849.

Sir,--In answer to your letter of the 28th June last, I am directed by Earl Grey to acquaint you for the information of the Lords of the Committee of Privy Council for Trade, that the Act of the Canadian Legislature mentioned in the Memorial of the Inhabitants of Gaspé, has not been fully reported upon by the Governor, but that His Lordship has obtained information from the Inspector General, Mr. Hincks, who is now in this country, that while it was under the consideration of the Assembly, an amendment was moved, in conformity with the views of the Memorialists, by the Member for Gaspé, but was rejected by a large majority. It appears that the Assembly came to this decision on the ground that the exemption from duties allowed by former Acts to the Gaspé

Fishermen, had led to undue demands from other persons engaged in the Lumber Trade, and in Mining, and Ship-building. In His Lordship's opinion, this ground was a just one for rejecting the amendment, as far as relates to all the articles enumerated in your letter, except Salt. No reason can be given why Fishermen, any more than persons engaged in any other branch of industry, should be relieved from duties on the clothes and provisions which they consume. But with regard to Salt the case is different; a duty levied upon this article must undoubtedly occasion injury to the Fisheries; and His Lordship regrets that no distinct proposal appears to have been made by those who defended the interest of the people of Gaspé in the Assembly, for relieving them from this particular burden, instead of claiming exemption from duties on all the articles in question. Lord Grey will not fail to call Lord Elgin's attention to the propriety of remitting the duty on Salt in favor of the fishermen, and will direct him, unless there should be some reason to the contrary with which Lord Grey is unacquainted, to recommend to the Provincial Parliament, in its next Session, an alteration of the law to this extent.

I have &c.

(Signed,) H. MERIVALE.

Sir Denis Le Marchant.

Clergy  
Reserves.

The House, according to Order, resumed the further consideration of the Question which was on Tuesday last proposed. That the reservation of a large portion of the Public Domain of this Province for the support of a Protestant Clergy, by an Act passed in the thirty-first year of Her Majesty's Royal Predecessor King George the Third, has been for many years a source of intense dissatisfaction to the great majority of Her Majesty's subjects in Upper Canada.<sup>1</sup>

MR. AT. GEN. LAFONTAINE said in giving his opinion on the subject--he would commence by remarking that<sup>2</sup> it appeared to him that one important part of the question had been lost sight of by<sup>3</sup> all the gentlemen who had spoken<sup>4</sup> on it.<sup>5</sup> They had all treated it as if Upper Canada was alone concerned in it, as if no Clergy lands had ever been reserved in Lower Canada at all.<sup>6</sup> This was not the case.<sup>7</sup> He would not travel about in making this remark. He thought Lower Canada had just as much interest in those Clergy Reserves as Upper Canada<sup>8</sup>, and that, therefore, he, as a Lower Canadian, had a direct interest in this question.<sup>9</sup> He desired to repel at once the argument used by gentlemen, who appealed to the fears of the members for Lower Canada, that if they voted upon this question they would be punished by Upper Canada interfering with their Church questions. The members for Lower Canada were there to decide according to their sense of right; they were as able to form a conscientious opinion<sup>10</sup> and to bear the responsibility of their conduct<sup>11</sup> on the matter as any hon. gentleman, and were not to be turned from their duty by threats of consequences.<sup>12</sup> Questions relative to Lower Canada had been discussed by members for Upper Canada. They were there to give their opinions according to their sense of justice. The question of the Clergy Reserves not being confined to Upper Canada alone, he would have the right of voting on the question.<sup>13</sup> Even if he (Mr. L.) represented Roman Catholics only, he would still give his vote, but he represented a constituency which contained, though not a majority, a large minority of Protestants. They were interested in the question as a Lower Canadian one, and they were also interested in it as an Upper Canadian question;<sup>14</sup> and was he to abstain from giving his vote on it?<sup>15</sup> Roman Catholics, Methodists, and other denominations<sup>16</sup> were entitled to his opinion in the House. If he were to abstain from voting, those religious denominations would not be represented in this House.<sup>17</sup> Having said so much, he would now proceed to give his view of the merits of the question. The Clergy Reserves, then, were established by the act commonly called the Constitutional Act<sup>18</sup> of 1790, to all denominations of Protestant Clergy, not only



to the Churches of England and Scotland, who claimed exclusive right to them, because they were established in the parts of the Empire from which they took their names, but all religious bodies, except that to which he belonged--the Roman Catholic Church.<sup>19</sup> He was now speaking of Clergy Reserves alone, he would afterwards come to the Rectories.<sup>20</sup> Now, he was not of those who conceived acts of parliament to be finalities, but there was a wide difference between<sup>21</sup> considering a settlement of a question not final, and being ready to repeal every act by which the<sup>22</sup> private vested rights<sup>23</sup> of private individuals had been acquired<sup>24</sup>, of which there was too much now a-days. Private rights should be held sacred; were they not, the bond which held society together would be broken. In his (Mr. L.'s) opinion, the granting of these Reserves was a very injudicious exercise of that power possessed by those who passed the act. It had been done by those who had power to do so; if any<sup>25</sup> religious bodies<sup>26</sup> had obtained certain rights by that act, those rights should not be disturbed.<sup>27</sup> The question was not, whether it was judicious or not to do it, it had been done, and rights had been acquired under the act.<sup>28</sup> It should be remembered that the power was given to the Legislatures of both Upper and Lower Canada, to repeal those grants and that they might have been done away with six months after their establishment<sup>29</sup> but were not.... He thought, therefore, that the vested rights of these Reserves could not be violated. At the same time, he did not mean to contend that the disposition of the Imperial act of 1841, could not be disturbed.-- He would, however, proceed with the facts.<sup>30</sup> It was well known to all that the country at that time was in a wild state.<sup>31</sup> As this property became valuable<sup>32</sup>, the first open agitation of the question in Upper Canada, appeared to have been in the years 1817 '18, when an attempt was made by the members of the Church of England, to obtain the entire management of the Reserves, and it was by this act that the Church of Scotland was roused to set up her claim to a share of the lands.<sup>33</sup> They maintained that they were the Established Church of that portion of the Empire; and therefore were desirous of being placed on the same footing as the Established Church of England. He did not wish to make an insidious observation; he merely wished to state facts.<sup>34</sup> As soon as the claim of the latter was permitted, they unfortunately followed the mistake previously made by the Church of England and sought to exclude other religious bodies.<sup>35</sup> The question was agitated warmly; but at last<sup>36</sup>, in 1820, it was decided indeed by<sup>37</sup> the twelve Judges in England,<sup>38</sup> a legal, though not ... a judicial, opinion<sup>39</sup> that<sup>40</sup> the true meaning of the Act of 1790 was ... that the Churches of England and Scotland were entitled to share in the Reserves;<sup>41</sup> and, as he understood, that other denominations had no claim. Unfortunately, he had reason to believe<sup>42</sup> that although that opinion was given to Parliament, it had been kept secret to (sic) the latter Church<sup>43</sup>, which was another mistake<sup>44</sup>, and in consequence, the agitation<sup>45</sup> then prevalent in the Province<sup>46</sup>, which might have been stopped by the division of the whole between the two Churches, continued to go on under the auspices of the hon. Mr. Morris.<sup>47</sup> The hon. gent. here read the opinion of the Crown lawyers from a despatch from the Colonial Secretary,<sup>48</sup> Lord Bathurst,<sup>49</sup> dated May 6, 1820.<sup>50</sup> What had they seen since? In 1840, the year in which the Act was passed, the opinion of ten judges of England was given, to the effect that the words "Protestant Clergy," in the Constitutional Act, did not mean the Church of England or the Church of Scotland, but all Protestant denominations<sup>51</sup> and he was happy here, to render justice to the hon. H.J. Boulton, by stating his opinion that that hon. gentleman was the first to express that opinion in Upper Canada.<sup>52</sup> This was the decision upon the matter by the judges, and the Act must be held sacred.<sup>53</sup> He could not believe, then that the Imperial Parliament had a right to do what they had done in 1841; for this property belonged equally to all Protestant sects and ought to have been equally divided without partiality. If a fair distribution were impossible,<sup>54</sup> if it was a physical im-



possibility,<sup>55</sup> then and then only, the will of the donor became a nullity.

He did not think the distribution impossible, or he should be of the opinion of the hon. member for South York, and be ready to employ the funds for other than their original purpose.<sup>56</sup> If he was to take as his guides, however the proceedings of the Upper Canada Legislature and the opinions of the Colonial Secretaries, he would come to a very different conclusion. They thought that there was an important distinction to be made between the words allotment and appropriation; and that the<sup>57</sup> word appropriation in the Act of 1791, did not sufficiently constitute a vested right.<sup>58</sup> He observed that<sup>59</sup> he, however, was led to believe from the various discussions which took place on this matter that a former opinion of the hon. member for Essex,<sup>60</sup> in favor of this view of the case<sup>61</sup>, was correct.... He believed there must be some act to reduce this right into possession, before the claim became vested.<sup>62</sup> It was impossible to doubt, from the proceedings of their Parliament, that the people of Upper Canada were thoroughly opposed to giving these lands to any denomination. He observed that many members held very different views than from now; those who held the constitutional act now as of no binding effect, were of a contrary opinion then, for<sup>63</sup> turning to one part of the Journals of Upper Canada, he found that that hon. member had voted for a division of these reserves into four parts, one for the Episcopalians, another for the Presbyterians, another for the Methodists, and the fourth for general purposes. He took it, that this showed there was a feeling that this appropriation under the constitutional act was binding, and that the lands set apart could not be diverted from the original purpose. It seemed to him that there was a little war going on at that time. The three sects were to have their shares, to fulfil the directions of the constitutional act; but the fourth share, was to be otherwise disposed of by way of compromise with those who objected to receive such aid and therefore wished the reserves otherwise disposed of.<sup>64</sup> He was not aware till very lately that the question of the Clergy Reserves had been agitated in Lower Canada at all.<sup>65</sup> He had never heard any other complaints against the reserves in Lower Canada, except that<sup>66</sup> reserved blocks<sup>67</sup> were an impediment to the settlement of those Townships.<sup>68</sup> And he remarked that some of the proceedings thereon still bore out the opinion he had expressed, that the "appropriation" under the constitutional act did not create a vested right without some other act--without the expression of an intention on the part of some religious bodies to possess what was set apart. To support this view he read a despatch<sup>69</sup> that in the year 1831 ... had been sent out from England,<sup>70</sup> which condemned this method of reserving lands, and proved the opinion of the British authorities to be in favour of the right of the local Legislature to deal with these reservations, by recommending their reinvestment in the Crown.<sup>71</sup> In consequence a message had been sent down to the Legislature in 1832 recommending that the Clergy Reserves should be re-invested in the Crown.<sup>72</sup> In Lower Canada,--and here he must say that unless some good reason were given why the bills accompanying this dispatch were not passed--bills simply reinvesting these reserves in the crown--he must regret that they were not passed.<sup>73</sup> A bill was in consequence introduced by the chief law officer<sup>74</sup>, Mr. Ogden,<sup>75</sup> it passed through its second reading<sup>76</sup> without division, and it was not till the motion for engrossment, that Mr. Lever moved for their reference to a<sup>77</sup> special Committee<sup>78</sup> of seven members.<sup>79</sup> That committee reported that in consequence of the lateness of the Session, and the importance of the subject, the bill should be postponed till the next Session<sup>80</sup> and he believed it had never been again disturbed since that time.<sup>81</sup> A similar bill had been introduced simultaneously in the Upper Canada Legislature by their Attorney-General,<sup>82</sup> Mr. Boulton<sup>83</sup>, the present member for Norfolk, but it was thrown out by the House, under the idea, as he supposed, that it was a trap--that when the lands were re-invested in the Crown, that they would be re-granted in a less liberal way than before<sup>84</sup>, ((that)) they would be given only to the two churches--of England

and Scotland--for these two churches were alone mentioned in the messages sent down with the bills, as those whose rights should be protected. The agitation then went on until it resulted in the Imperial act of 1841, when the present arrangement was made by the Imperial Government<sup>85</sup>. It had been said that the ... Act ... was final, because it was passed in accordance with the views of the people of Upper Canada.<sup>86</sup> As a matter of fact, he thought that was not true, because<sup>87</sup>, in 1839,<sup>88</sup> the two branches of the Legislature of Canada actually did pass a bill, to which the Imperial Government refused to assent<sup>89</sup>. Had ((it)) become law, he would have held that act as binding. But when the Imperial Government had stated that the local legislature ought to settle the question themselves, when they had acknowledged that the Imperial Legislature had not sufficient knowledge of the subject to enable them to determine on it satisfactorily, when after doing this the Imperial authorities had passed an act directly contrary in many important particulars to the plan which the Upper Canada Legislature had laid down, he did not think that act should be considered a final settlement of the question. The provisions of that settlement were even contrary to the decision of the Judges in the same year as to the constitutional act; all bodies were to share equally in the endowment by that decision, but this settlement divided it very unequally.<sup>90</sup> Some hon. members, it appeared, concluded, notwithstanding all this, that the present settlement was in accordance with the wishes of the people of this country. But hon. gentlemen must acknowledge, at least, that if it were in accordance with those wishes, the wishes were only those of the people of Upper Canada<sup>91</sup>. Upper Canada ... had requested the Imperial government to settle the question, although in a particular way, but Lower Canada had never been consulted at all on the subject<sup>92</sup>, except by the bill of 1832, already alluded to, on which occasion they had expressed the opinion that these reserves should be invested in the crown. He, therefore, held that this act of the Imperial Government was not a final settlement.<sup>93</sup> How could they expect such an act to be considered binding in United Canada. Even if the decision of Upper Canada had been in favor of that act of 1840, why should it bind the people of Lower Canada, not the Roman Catholics who were not interested, but the Protestants who were never consulted.<sup>94</sup> It was, on the contrary, an unjust assumption of a right to legislate: he desired to get that right back again. Why should the House not ask to have it restored? With this opinion, he still contended that<sup>95</sup> if the act of 1840 were repealed and the Canadian Legislature had the power to settle the matter as they chose, he would advise, by all means, that the constitutional act should be held sacred<sup>96</sup>, and he farther (sic) thought that means might be found to make all Protestant denominations have their fair share<sup>97</sup> in the endowment.<sup>98</sup> If the endowment could not be carried into effect then the lands would remain wild and something else should be done with them. But he believed that it could be carried into effect. If some sects refused to partake of their share they might go without and the others get theirs.<sup>99</sup> A church did not become dominant because it possessed some buildings or some acres of land given by the State<sup>100</sup>, or made union of church and state.<sup>101</sup> This fair distribution accorded with the opinion of the Judges of England,<sup>102</sup> that all should share alike. The opinion of the judges of England of 1840 must be considered superior to that of the law advisers of the crown of 1820. He contended that the present division was<sup>103</sup> on different grounds, and was therefore most unjust<sup>104</sup>, nor ... sanctioned by the opinion of the judges of England.<sup>105</sup> If the people of Upper Canada were satisfied with this, his constituents, for others had no right--his constituents were not satisfied.--The partition was unequal--a compromise to escape a temporary difficulty. While, therefore, he thought that there was no injustice in asking to have the control of these reserves, there were some of the resolutions for which he could not vote. Some of his friends thought the division which he desired<sup>106</sup>, the original act as in-



terpreted by the Judges<sup>107</sup>, was not possible, and proposed to act accordingly<sup>108</sup>. There was one of the resolutions of the hon. Commissioner of Crown Lands, which could have the effect of pledging the House to alienate the reserves if the control over them was again brought back to the provincial legislature<sup>109</sup>, and some of these resolutions seemed to pledge the House to that course. He declared that he could not vote for that because he believed the<sup>110</sup> nature of the endowment should be held sacred.<sup>111</sup> He thought the argument of his friend the hon. member for Mississquoi, was wanting, inasmuch as he attempted to show that the endowment, at the time it was made, was just with regard to Upper Canada, because that country was to be settled by the English people. He thought that the people of Ireland, however, had some right to be considered as English, and that they, who as Catholics formed a second largest denomination in Upper Canada, ought to be in some measure consulted. And here,<sup>112</sup> in answer to the appeals from hon. members opposite, to the fears of hon. members from Lower Canada, and allusions to their being unable from religious prejudices to decide on the question fairly, he would claim for the members for Lower Canada a far more liberal spirit than had been shown by those of Upper Canada. How long was it since in Upper Canada none but ministers of the Church of England were allowed to solemnize the ceremony of marriage, and were they to be told that the Lower Canadians<sup>113</sup>, elected by Protestants as well as Catholics,<sup>114</sup> were so bigotted in comparison<sup>115</sup>, for passing acts to give privileges to oher (sic) Churches, which were rejected by that branch of the Legislature, composed of members of other churches<sup>116</sup>, that they were unable to give a fair decision on such a question as this.<sup>117</sup> He again deprecated the appeals made to the feelings of the members of Lower Canada, and he wished the hon. member for Cornwall had left them out of his speech.<sup>118</sup> The hon. member then passed a high eulogium on the speech of the hon. member for Cornwall on the preceding evening, which he has said war (sic) strong in argument throughout, except when he tried to arouse the fears of the hon. members from Lower Canada.<sup>119</sup> He again asserted that the L. Canadian members would do what was just and right according to their opinions and their conscience. They might go wrong, but would not do so knowingly. In this spirit they would be guided by the facts of every case they voted upon.<sup>120</sup> He felt it his duty to give at this moment his views on the Rectory question also; it had not been mentioned in that House, but was agitated out of doors.<sup>121</sup> If it were true that the rights to the Clergy Reserves, created by the Constitutional Act, were valid, a priore were those created by the establishment of rectories<sup>122</sup>, and were entitled to the same respect.<sup>123</sup> And the mention of those rectories gave him additional argument in favour of his view that all the Protestant sects had an equal right in the reserves, under the constitutional act, because when the same act came to speak of these rectories, it used another term and employed a word to express the Chuch (sic) of England only.—These rectories had been fully erected by a patent from the Crown.<sup>124</sup> He considered the titles to these were as good, if the patents were valid, as the title by which he held<sup>125</sup>. It was true that it was said that these patents were obtained by fraud, that they had been signed in blank. Well if it were so, it was a question of facts, to be tried and adjudicated on by the proper tribunal; but do not erect this House into a Court of Justice to repeal these patents,<sup>126</sup> when its real functions were entirely different from those of a Court,<sup>127</sup> or else not a title in the Province to any kind of property could be maintained. He had heard, he repeated, that those patents were obtained by fraud, but he knew nothing about it himself, and he had never seen anything since he was in the Government to induce him to believe that it was the case.<sup>128</sup>

Hear, hear, from the opposition.<sup>129</sup>

MR. AT. GEN. LAFONTAINE continued: In the view he had taken of this question throughout, he had been guided by what he conceived to be the law, but there was



one part of the Act of 1840 that he thought they had a right to remonstrate against. Some of the religious bodies in Upper Canada would not receive the share allotted to them of the Clergy Reserve fund. The consequence was that a large sum of money remained in the hands of the Government; it was daily accumulating, and they had no power to dispose of it. It was of no use, and why not apply to the Imperial Government to apply it some other way, as the parties who had a right to claim it would not do so. The hon. member for Cornwall had endeavored to make it appear that the tenure by which the religious bodies of Lower Canada held their lands was not more secure than the title to the Clergy Reserves. He should be sorry to believe that hon. gentlemen intended to reflect a doubt on the faith of the British Government, but it appeared to him that the hon. member had not given the question sufficient consideration, or had taken an erroneous view of the international law. Did the hon. member know the nature of those grants? It would be very difficult for him to find a single grant in the whole of Lower Canada for the support of religion, or to prove that all these estates were held from the Crown. Nine-tenths of them were held by right of purchase from private individuals.<sup>130</sup> He made the statement advisedly.<sup>131</sup> The seignory of Montreal was a donation from a private individual.--That was where the hon. gentleman had fallen into error. Not one of the grants held by those bodies were bestowed on them for the support of religion, or for religious instruction exclusively, but for general education and for charitable purposes. (Hear, hear.) There was the Hotel Dieu of Montreal, the Hotel Dieu of Quebec--they were given to the poor. Were the poor of Montreal and Quebec to be deprived of the benefit of those lands, or did the hon. gentleman think that because the Reserves were taken from the clergy of Upper Canada, that he could deprive the poor of the gift applied for their use? Was that the cry he meant to get up in order to frighten him? (Mr. L.) He did not think that the majority of the Upper Canadians could be found to sanction such a breach of international law. To prove to the House that those titles had been recognised by Britain, he read an extract from the Act of Capitulation, which acknowledged the right of the order of St. Sulpice, and even the Jesuits, to return to France, and dispose of their lands to whom they chose, without the slightest obstacle or hindrance? If the hon. gentleman could shew that those titles were not there recognised by Britain in the clearest manner, he should be glad to hear him; but if he thought that the conquered became the slaves of the conquerors, or that the property of the vanquished became necessarily the prey of the conquerors, then he would say that the hon. gentleman held ideas of international law altogether peculiar to himself, and if he went to England and preached such a doctrine, he would be laughed at<sup>132</sup>.

MR. CAMERON interrupted and asked if it were in the treaty.<sup>133</sup>

MR. AT. GEN. LAFONTAINE went on to contend that the hon. member would be laughed at in England, if he argued that anything in the treaty of 1779 militated against the articles of 1763, if it were not specially specified<sup>134</sup>, as the people of England had too high a sense of honour to question the validity of those titles. They might be questioned by the right of the strongest, but certainly not by the right of law or of justice; and he could not believe that England, who had never yet committed such a breach of faith, would consent to do it.<sup>135</sup>

MR. MORRISON said a rather singular spectacle was presented to the House by the two Attorneys General. One of them spoke in favour of the resolutions, with the intention of voting against them, while the other spoke against them with the design of voting for them!<sup>136</sup>

MR. AT. GEN. LAFONTAINE would add a few words, in order that the hon. gentleman might have full scope in attacking him. He could not support the resolutions

in the shape in which they were presented to the House, but he would vote for a petition to the Queen praying that the Reserves might be placed on the basis of the Act of '91, or to place them again at the disposal of the House<sup>137</sup>, but would not sanction in any way their diversion from the original purpose of the grant.<sup>138</sup>

MR. MORRISON said it was his intention, to move in amendment,<sup>139</sup> on the 30th and 31st resolutions,<sup>140</sup> an address to her Majesty praying for the re-investment of the Reserves, and that they should be placed at the disposal of the House unconditionally<sup>141</sup>, without giving any guarantee to the incumbents or pledging the legislature to any other cause.<sup>142</sup> He expressed his regret that this was not made a Government measure, as it would then, no doubt, be carried by a large majority, but as that had not been done, he felt it his duty to make the best of it. He said then that the Act of 1840 was directly opposed to the wishes of the people of Canada, and an act of injustice. The object of the Parliament of 1839 was to have a final settlement effected, but instead of that being accomplished, the English Parliament had made it impossible. He therefore was desirous of having the subject under the control of the Provincial Parliament, which was alone competent to settle it<sup>143</sup>. The hon. gentleman read several extracts from the journals of the House, showing<sup>144</sup> by the Despatches of Lords Goderich and Glenelg, it was apparent that they recognised it as a purely local question, from the manner in which the Act of '91 was framed. There was no right vested in the matter, all the talk of hon. gentlemen about vested rights vanished into thin air, and he would ask hon. gentlemen opposite if they had such a great respect for vested rights, how was it possible for them to introduce their University Bill, splitting that endowment up among several different bodies. While on this subject of vested rights, he would say that he dissented entirely from the Attorney General East with regard to the Rectory question. From the first moment they had been set apart he was convinced that a curse had befallen Canada and he was positive that the people would never be appeased until they were swept away. Even Sir Francis Head complained to the Foreign Secretary of the conduct of Sir John Colborne in leaving him a legacy which caused the greatest embarrassment to his Government. If he had any desire to refute the assertion of the hon. member for Cornwall, that no desire to establish the Church of England had ever been exhibited, he need only refer to a Rectory Patent in which that desire was shown in the strongest terms by the Executive Council of the day, and the Bishop of Toronto, by whom the scheme was concocted. If the country had possessed a Constitutional Parliament in those days--and held that no Rectory could be lawfully established without Parliament: no man would have dared, any more than now, to propose the establishment of 57 rectories. With regard to the vested rights, he need only say that not one of the patents was made out in the name of an individual, but they were made out in favour of certain counties and townships. He would not follow that question any further, but would return to the subject of the Clergy Reserves, and say that no man dare stand up now and propose that the public lands should be set apart for the support of a Protestant Clergy, but if his motion were assented to, and the House then determined that one seventh of the lands of the Province should be devoted to the support of religion, he would bow to their decision; if they resolved to devote them to education purposes, it would please him better, but if they were at once given up to general purposes he would be still better pleased, as he was convinced that the greatest curse of Canada was appropriation of public funds for religious purposes.<sup>145</sup> He regretted that the Attorney General West had expressed a hope that the action of the English Government, expected upon these resolutions would be conclusive.<sup>146</sup> Until the present Parliament no opportunity has occurred since 1840 to take the subject up<sup>147</sup> freely and effectively,<sup>148</sup> and he knew that a



strong feeling was engendered in consequence of the neglect to take it up last session.... The state of the Church in England and Ireland must excite horror in everyone and convince them that there was something rotten in the system, and exactly the same thing would occur here if this endowment were kept in force. The feelings of the people as evinced in the Upper Canada Parliaments, both tory and radical, showed clearly that they were opposed to it, and that feeling is just as strong now; and<sup>149</sup> unless the present opportunity was firmly laid hold upon, to make a final disposition of these Reserves by the action of the Legislature, there would be the same rancour and contention as had existed for the last 20 years.<sup>150</sup> He had hoped that government could form some measure during the recess to repair that neglect, but as that had not been done, he was glad to see it come up in its present shape supported by those hon. gentlemen who had always opposed the present settlement by the act of 1840. He wished, however, that no condition should be made, but that the lands should be surrendered untrammelled,<sup>151</sup> by any influence from the Imperial,<sup>152</sup> in order that the House might act in the manner it thought best<sup>153</sup>, as it was essentially a local question with which the Home Government had no right to interfere. He regretted also, that the hon. member for Norfolk had proposed the amendment which he did,-- He (Mr. M.) could recognize no other motive for that policy than to gratify some personal pique against his hon. friend the Attorney General West; but the country had no interest whatever, in the expression of private animosity, and the time of the House ought not to be wasted by these deviations from the subject in debate. He was glad that the hon. Attorney General East had removed all possibility of fear on the part of Lower Canadians to their own religious institutions. The investments bore no analogy. The property of the Roman Catholics of the Lower Province was invested by treaty; the Reserves and Rectories of Upper Canada were illegal investments--not "vested rights," about which hon. gentlemen opposite created such a clamour--but vested wrongs.<sup>154</sup> He had the honour to represent a constituency of which a very large proportion was Conservative, and he found among them, and even among the members of the Church of England some of the warmest opponents of that act, who would rather shoulder their muskets than consent to a final settlement. It was not true that the 200,000 souls belonging to the Church of England in Canada, were opposed to any interference with the Act. Only a few days ago a pamphlet had been circulated among the members of that Church complaining of the conduct of the Bishop, who had appropriated to his own use the lion's share of these funds--and yet, not a single member belonging to that Church had the manliness (sic) to stand up and defend his clergy, although it was well known that they were at the mercy of the bishop. He considered that the proper course was to proceed by address. It had been asked what would be the object? The answer was, whatever the local legislature should desire, of which its members were the best judges. He would not state in any application that might be made, what it was proposed to do. It would only embarrass the Imperial Parliament, and the present members might not be returned to this in case of a dissolution.<sup>155</sup> Had the proposal of the Lord Bishop of Toronto to place each share of these Reserves due to the Church of England at their own disposal, received the sanction of Parliament, there would have been another rebellion such as had broken out in 1837.<sup>156</sup>

Hear, hear, from the opposition.<sup>157</sup>

MR. MORRISON continued: Yes, hon. gentlemen may cry hear, hear, but he could assure them that the Rebellion of 1837 had been caused by the Clergy Reserve question, and he had the opinion of Lord Sydenham to support that conclusion<sup>158</sup>, and the disloyalty of that day was disloyalty to a faction, who would support a dominant church with its three millions of acres of land. He (Mr. M.) was of opinion at the time, that it was a wild and absurd rebellion, and the position assumed by Sir F. Head was not the true position. Had he stated to the



government at home, what were the wishes of the people with reference to the Clergy Reserves, there would have been no rebellion.<sup>159</sup> The hon. member for Toronto had referred to the investment of Trinity Church in the State of New York, but he believed that Congress had the power to take such as that away, although the State Legislature could not interfere with them. He would not trespass further upon the House, but move the following amendment:--

"That in the opinion of this House, the most liberal, proper and satisfactory mode of settling this long agitated question, would be for the British Parliament to pass an Act repealing the Imperial Act 3 & 4 Vic. cap. 78; and for the purpose of obtaining that desirable object, that an humble address be presented to Her Most Gracious Majesty the Queen, praying that Her Majesty will be graciously pleased to recommend to Parliament a measure for the repeal of the Imperial Act aforesaid, and for placing at the disposal of the Canadian Legislature the lands commonly called the Clergy Reserves, and the proceeds derived from the sales of such lands and the Revenues arising from investments of such proceeds."<sup>160</sup>

MR. AT. GEN. BALDWIN had several remarks to make. In what he had said on a former day, he deprecated any approach to anger or bad feeling with references to any application of Clergy Reserves; and above all, for party purposes. In the second place, he did not consider them as the property of the people, in the same view, as an individual sold property and might sell it; but as being sold under an Imperial Act, and to be dealt with by the people as a majority of their representatives might determine, should the appropriation be again placed at the disposal of the Colonial Parliament.<sup>161</sup>

MR. M. CAMERON said he was fond of poetry--

"The darkest day is not all gloom,  
The darkest wave hath bright foam near it;  
And twinkles through the cloudiest night  
Some solitary star to cheer it".

Until he heard the<sup>162</sup> speech of the<sup>163</sup> hon. member for the second riding of York, he did think that this was the darkest day in the history of reform, or at least the darkest hour, since 1837; for he had feared that there was not one man left who had the independence to take the course the hon. member had so candidly adopted. He has spoken as reform candidates invariably spoke before the last general election. But a subservient truclency (sic) has come over the representatives of that party; and from some unaccountable influence, some fear of consequences, or some innate affection, the growth of a very short period, all seem reluctant to speak the sentiments which once so fearlessly they advocated,<sup>164</sup> and say that the people had not changed their minds on the subject of the Clergy Reserves.... It was not to be concealed that the people are as determined as to the question, as they ever were, and considered it as one in which was involved the existence of civil and religious liberty<sup>165</sup>, and hence we have the most extraordinary contradictions, and the most entire reversions in certain characters, whose names were alone sufficient to guaranty (sic) their principles. The Attorney General West had admonished us to approach the subject with calmness and deliberation, to discuss it apart from personal and party feeling. No advice he ((has)) ever given to this house has been better received or more fully appreciated; and he (Mr. C.) was glad that, so far, the debate has been conducted with moderation, and would endeavour to follow the example. But he was at a loss to understand the Attorney General West, when he said this had never been made a party question.<sup>166</sup> Justice ... could not be done to the subject, were this made a party question.<sup>167</sup> What! the Clergy Reserves question, not a party question. What other question marked the wide distinction between the gentlemen opposite and the Reform party? What was the cause of all the difficulties, hard feelings and bitter asperities, among the people of Canada; if

it was not the difference of opinion on the vital question of Church and State connection? The recognition of a church establishment? A dominant church, by virtue of their large and exclusive endowments? Mr. Speaker, this hon. house knows, and the country knows, that this was the great moving power, as he might so speak, by which the people and their representatives became at once severed and united--rent and collapsed--divided and combined, into two great parties, known by the name of Tory and Reform; the former, the advocates of unjust and unwarrantable pretensions; the latter the champions of civil and religious liberty, and the most perfect equality. And those honorable gentlemen now sitting on the treasury benches have long and loudly proclaimed their opinions to be in unison with the Reformers of this country. They professed their principles to be one and the same, and by that profession they have been elevated to the highest position in which their country could have installed them. But will any honorable gentlemen now say that, on the question of the Clergy Reserves the people and the Government hold similar views taking their speeches during the last two days as a criterion by which we may judge. Or, had they delivered those speeches to these constituents and the country before the last general election, will any one assert that they would have found a seat in this house? He trowed not. Had the hon. member for Oxford, who so entirely and exclusively argued in defence of vested rights and the obligations of the people of Canada to support those recently imported clergymen who came out here expecting to have annuities for life, had he, Mr. Speaker, done this before the intelligent Reformers of Oxford, how many votes would he have polled? Not one--not the first one. Had the honorable Attorney General West, who seems to forget that his strongest and most successful argument in favor of responsible government was, that it would enable the people to obtain a just and equitable settlement of this question, had he defined what he now considered a just and equitable settlement of it before the Reformers of North York, does any one think he would have been here to support such a burlesque on religious equality and a just settlement of the Reserves. But he seems as if anxious to protect himself by contending that we should not yield to majorities; and quotes from Burke to enlighten us on our relative position and duties; and he argues that we have no right to look back and consider the circumstances under which an act of Parliament was passed. We are not, the hon. gentleman says, to treat acts of parliament as waste paper. Mr. Speaker, too well we know, and the people have felt, that these are not waste paper. But upon this point it is gratifying to put the Hon. Attorney Genl. West in juxtaposition with the Honorable Attorney General, East, and weak and incompetent as he was he would not have ventured the argument he now proposed to adduce were he not supported by such authority. The Attorney General East had stated, that the act of 1840 was unjust; was passed without the consent of Lower Canada, contrary to the expressed wishes of Upper Canada, and was, in fact, unconstitutional. He seemed to have no respect for such an act; and in the light of justice he would not have considered it more than so much waste paper. But when, in addition to this, we call to our recollection the circumstances of the election of 1836, the house then obtained; the intriguing and management of 1839 and 1840; the fact stated by the Attorney General East, that England had in 1839 declared that this was a local question affecting us only, and that therefore they would not dispose of it, nor interfere even at our own request, how can the Attorney General and the Hon. Com. of Crown Lands recognize the rights acquired by such an iniquitous proceeding. Vested rights! Property improperly obtained and unwarrantably appropriated; these they call vested rights forsooth! There was a time when the Com. of Crown Lands would have been eloquent in denouncing the idea, when he would have spurned and repudiated such sentiments, and sought facts of a different character to make him believe that these were vested rights. As well might the man who, by misrepresentation and fraud, had obtained possession of your houses



and lands and denied your right and ownership, demand consideration from you for the loss and trouble he had in harrassing and robbing you. It is truly melancholy to see the degraded position into which the "champion of civil and religious liberty," the great non-conformist of South York, has fallen. The country will deplore this retrogression, and consistency will blush because of the ingratitude and versatility of her votaries. Where now will the honest man repose confidence? In whom will he place his trust? What is principle, cry the sceptical, after so base a desertion, by one so unequivocally pledged to his constituency and his country? The hon. member for the 2nd Riding entertaining, as he does, the strongest feelings of personal friendship, with every motive and desire to defend the administration, still feels bound by a conscientious sense of duty to move an amendment to what? To whose resolutions? Why, Mr. Speaker, can it be believed--to the Hon. J.H. Price's attempt to get the Reformers of this House to do, through the influence of the Reform Government, that which no House of Representatives of Canada ever did--much less a reform one--viz: to acknowledge and pledge themselves to the vested rights, not only of individuals, but of the religious denominations provided for in the Bill of 1840? The resolutions amount to nothing more; they seemed designed for nothing less. What are the first 28? just nothing--a mere abstract of votes and proceedings, and the pith of the matter is, a pledge to protect vested interests for fear the bench of Bishops should forget the clamor of incumbent bodies--unless reminded (sic) of their duty by the Bishops here, in the position of a minister of the Crown. Mr. Speaker, the amendment of the hon. gentleman for the Second Riding, is a good one, and if the House has not the independence to proceed by Bill, and state the object they had in view fairly and honestly, then he should vote for it. But he was clearly of opinion that our right was to legislate, and that by Bill brought in and supported by the full influence of the Government, to be sent home accompanied by despatches representing the state of feeling in the country, the fact of the case, and if necessary, accompanied by a member of the Government to support the policy pursued.<sup>168</sup> And he wished to defend himself from the charge of proceeding factiously in proposing the latter course.<sup>169</sup> If this were proposed, how differently would the Ministry have stood? Where would be the opposition in this House or the Country? Would their friends be alienated or oppose them? No; the opposition would only consist of tories, and the miserable number of them would have contributed to the certainty of our success. But the hon. Commissioner of Crown Lands, says, it is not a great or vital question, and we had no right to expect it would be made a cabinet question. Not a vital question, Mr. Speaker? the hon. gentleman stultified himself in his own speech, on the floor of this house; for he began by telling us it was an all absorbing question--a question that if not settled satisfactorily, would for ever disturb and distract the country; without the fair settlement of which we could never have peace. The honourable member for the Second Riding had said, we had one rebellion growing out of it, and if left unsettled, we would have another, and that was just what the Commissioner of Crown Lands' speech amounted to; and yet, in "boxing the compass" he came to the conclusion, in defence of his own pusillanimity and want of moral courage, that it was not an important question. He has been afraid to avow his intentions in these resolutions, or he is grossly dishonest, without steadiness of purpose, without confidence in his principles, and destitute of that high moral sense for which he has too long been characterized. Do I unjustly charge him?--True, he tells us he has not changed; he gives a long string of resolutions, to prove that the people of Canada are unitedly of opinion that these reserves should go for general purposes; and yet he so words them, that the member for Vercherres (sic) and others, who hold that they are the vested rights of the clergy, can vote for them; aye, the member for Vercherres (sic) has shown, that so far from interfering with the clergy, these resolutions show a tender regard for them, and he properly argues and proves the fact. The member for the town of London, in taunting the Commissioner of Crown Lands with trimming and trying to please everybody, com-



pared him to the man and the ass, who, trying to please every one pleased none, and lost his animal; but I think to-night it is another story of that quadruped--he would have told us the animal is not lost--he still grazes in the cabinet pasturage; the member for Vercherres (sic) has only pulled the lion-skin off, and left exposed in all its horrible deformity,--"The ass, the whole ass, and nothing but the ass." Mr. Speaker, it is unjust dishonest and jesuitical, to obtain votes under false pretences--to profess a policy, the object of which was totally different. The government should say what they mean to do with these lands, if they had them; they should be more definite in their views, more decided in their policy. And who will dare to deny that they were solemnly bound by the Reform party to make this a cabinet question, let who would go out or come in? The hon. Commissioner of Crown Lands was clear it was not a question to go out on, because there were no persons to be found fit to fill the places of the hon. gentleman! This might be so, but he (Mr. C.) thought that would have come better from some of their friends; that was a consideration for the country, not for them; from him, it was egotistical and vain--a mere sounding brass and tinkling cymbal. The end did not always justify the means, and it was immoral to stand as a Reform Government, when at issue with the Reform party on a vital question.<sup>170</sup> He said he was always pleased with the opinions of the Attorney General East, and not the less so with the manner in which he had argued this question. He believed him to be a liberal man, and that he had given to the subject the best attention of his clear mind. Well, he (Mr. C.) came to a different conclusion.<sup>171</sup> He (Mr. Cameron) would now address his brethren of Lower Canada, and he called them brethren in the best sense of the term. He was a native of Lower Canada; he loved them as his countryman; he appreciated their kind and benevolent dispositions, and liberal and tolerant hearts. He was not the victim of religious or national prejudices<sup>172</sup>. The question, he said, had been discussed as if it had been one merely affecting Upper Canada. He would destroy any imaginary line that separates the people of the two Provinces and have no other distinction than that which came from existing institutions.<sup>173</sup> We had the same interest; and except when local peculiarities required legislation, he thought we should always legislate for both. The question was as near to the heart of a Lower Canadian, as to that of an Upper Canadian; he felt and sympathized as much for the rights and privileges of every Episcopalian, both Protestant and Catholic, in Lower Canada, as he did with those of Upper Canada. He had ever admitted Catholic liberality; he did not impute to their religion the accident of circumstances in other ages; he was proud to confess that history defended them.<sup>174</sup> The Legislature of Lower Canada had taken the lead in liberal legislation, and in 1827 had passed a Bill of that description long before that of Upper Canada acted upon similar principles<sup>175</sup>. The Attorney General (East) had claimed deserved credit for them for attempting, before even Upper Canada did so, to grant religious equality in Lower Canada, on the subject of marriage and baptism, though thwarted by the illiberality of Protestants in the Upper House<sup>176</sup>, and which its creatures in Upper Canada refused to sanction.<sup>177</sup> He (Mr. Cameron) was willing to corroborate this, and refer to the fact that they were the first legislature in the world to grant perfect civil and religious freedom to the Jews; and in the British States of America, a catholic, in a catholic colony, was the first to grant free religious toleration to all. He alluded to Maryland, under Lord Baltimore, when Presbyterian New England and Episcopalian Virginia both were intolerant and persecuting. He (Mr. C.) trusted therefore, that in this age of enlightenment and upon this question, his brethren of Lower Canada would act with the same liberality; for he would assure them that neither self-interest, nor political advantages, nor attachment to any set of men could ever induce the Reformers of Upper Canada to yield upon this question. Mr. Speaker, the question has been asked by members of this house, have we an established church? And he would just take up

this point, and remind the House of the way this question was treated in Canada W., and show the disability and distinctions that were and are yet placed upon all other Protestants. It was argued legally and ingeniously, by both the Attorneys General, that we could have no dominant or established church, but one, and that one, by the treaty, was the Catholic Church; because the essence of an establishment was the being the one or preferred church of the state. That is all very nice to legal ears. But if the minister of one church can marry and baptize in virtue of his standing in his own body, and all others must apply to courts, prothonotaries and clerks of the peace, for a right, is there not an inferiority in this? If the rectors, as by statute imperial and colonial, are endowed with all the<sup>178</sup> rights, powers,<sup>179</sup> privileges, and emoluments of rectors in England, and if their bishop claims jurisdiction, is not this<sup>180</sup> imposing a Church establishment upon the people of this Province? The Bishop of Toronto talks of the Church, and it was owing to the determination of the people that it was not carried out more tyrannically. The members of the Church of England, Mr. Cameron contended, were desirous of an alteration with reference to the appropriation of the Clergy Reserves; and the President of the Board of Works, with other gentlemen whose names might be mentioned, acting in a liberal spirit, and with a view to promote the interests of the Church of England, were not pleased with a support which did not flow from the voluntary contributions of the people.<sup>181</sup> There is an established church, and until the power granted by the 31 George III. to establish and endow Rectories is repealed, and a declaratory act passed recognizing the entire parity of all denominations, we have an establishment. Hon. gentlemen opposite say, they do not want it; then let them honour themselves by bringing in the necessary declaratory Act. It would as well become the hon. member for Cornwall, as the member for Toronto.<sup>182</sup> Upon this subject the Hon. Attorneys General entertained different opinions<sup>183</sup>. He (Mr. C.) was ready to make a difference such as the Attorney General East claimed, believing in the right obtained by an individual under the operation of an act of parliament; but the rights acquired by bodies for general and specific purposes--he (Mr. Cameron) considered, in regard to the Churches of England and Ireland that they had no such vested right in the Reserves as the rector had in the lands patented to him. The proposition to create reserves originated in the opinion that the government as trustees of the people had a right to promote their spiritual interests, and they made this proposition doubtless in good faith. The power that creates can destroy; and finding that the people are of opinion it is not for their interest, they may remonstrate with their trustee. It is not only in their power, but it is their duty to repeal the whole. The Attorney-General West says the lands are not ours; they belonged to the Crown. He (Mr. C.) denied the doctrine; it is not liberal--not Whiggish--it is absolute Toryism. The lands of the Crown in Canada are the lands of the people of Canada; the Crown was merely their trustee: and has this not been definitely settled and acknowledged years ago? are they not now under our entire control, though still Crown lands? do we not sell them to whom we please? do we not refuse to make good the pledge and promise even of the Crown, to soldiers and others? and yet, forsooth, the Attorney-General West argues they are not ours. Mr. Speaker, the Reformers of Canada care little for the Rectory lands, as to their intrinsic value or quantity--valuable though they be. Other denominations have had their acre or 10 acres, or sometimes, under good Episcopal or Executive influence, it may be their 200 acres; but all keep those they have so obtained, and which are patented; but it is the creation of a Rector or ruler of a parish that is complained of--the recognition by law of one ruler in a parish--the setting apart, choosing and endowing a favoured and particular sect--in a word it is the principle, the unjust, illiberal principle that the country deprecates--this is what is felt, because an insult and persecution to numbers of other denominations. It must be abolished. The lands are the dust in the balance--it is the supremacy that is the crushing weight which is felt to



be an oppression. Mr. Speaker this involves the great question of Church and State connexion or toleration. He understood and respected the prejudices of those who were in favor of the principle--and upon it, Lower as well as Upper Canadians will materially differ, every man according to his own conscience and education. He had ever viewed endowments, and Church and State connexion, as an unmitigated evil to the Church of Christ--and was aware that very many Episcopalians now do so too--they see the higher and better stand their church would take--they know that it has been fairly tested in the States, and they are willing that for the peace and prosperity of Zion, all should contribute of their substance for the support of their religion, and every denomination be placed on a common basis.<sup>184</sup> If the friends of the Church of England in the House, he said, would meet the question in a liberal spirit, they would be met by a corresponding feeling. It is not to the grants of land to the Rectories that the people object, so much as to their forming part of an establishment, to which they never will submit; and who will not rest till a declaratory Act shall be passed, enacting that there shall exist no superior religious establishment in the Province.<sup>185</sup> Endowments are remnants of kingly and priestly tryanny, and despotism, when, as the hon. member for St. Maurice said, the people were enveloped in ignorance and superstition when the Pope was able to put his foot physically on the neck of Kings--and when neither kings nor priests cared for the will of the people nor rights of man. Mr. Speaker, though there are many who may still wish to see the Church with harlot head yet reclining upon the corrupting bosom of the State, bound and compressed, crippled and deformed by the enactments of Ecclesiastical Courts, by Liturgies and Confessions which they dare not amend; yet the time is at hand when these religious barricades would be erased, and the Church could not be bought up for a consideration in money or lands. The hon. Attorney General East has avowed his desire to divide these lands among all protestant churches and thus by bribing all, please all. This is no new policy. Members have been tampered with on this suggestion, and were it not for facts that are past, he (Mr. C.) should doubt his own truth by finding it corroborated by the Commissioner of Crown Lands. He (Mr. C.) would have appealed to him to say how he (Mr. C.) had treated such a proposition sixteen months ago, when it was frequently broached. The hon. member for the First Riding says he came not to Canada to learn her civil rights--did he learn from those who preach in England the secular nature of Christ's Kingdom, its independence of State for its propagation and sustenance; and, having learnt this, does he infer that the parties in this country who had disturbed its peace for thirty years--who sought for every exclusive advantage, and the supremacy of their church--who had styled themselves, by way of eminence, "The Church," and filched the country of their lands, did he learn that such property must be considered vested rights? Such learning, Mr. Speaker, is amalgamated with ignorance, and if these are really his principles, I fear he has yet to learn in what civil and religious liberty consists. Sir, we are told the proposition to legislate by bill is absurd. But sir, it is consistent with practice.<sup>186</sup> Both the Attorneys General admitted that there should be no dominant Church in the Provinces; and the Attorney General East, on enquiry upon the subject,<sup>187</sup> has established clearly, that we had power to legislate under the 31st Geo. III., and might, within six months after it passed, alter the whole appropriation. He has shown, too, that we were deceived by our rulers--kept in ignorance of despatches which would have settled the question, and yet he speaks condemnatorily of our suspicions. Time has been, when he was suspicious of governors, home-secretaries, and executive communications; but, Mr. Speaker, he has awakened old suspicions. Is the House not reminded of the course of another Attorney-General,<sup>188</sup> Mr. Draper,<sup>189</sup> who to justify a change of policy on the University question, dug up from the vaults of the Executive Council another liberal despatch, that would have, fifteen years ago, prevented all the fraud, hard feeling, and excitement



about the University? Yes, sir, but this honorable gentleman may learn that there is a necessity for our doing everything above board now. He (Mr. C.) complained that the country was deceived on this subject last year. He held in his hand the debate in which the Government pledged themselves to negotiate with the Home Government to take the initiative with all the influence of their position, and prepare the way for legislation--direct legislation upon the subject this session. He (Mr. C.) then had the honor to be a member of the Government, and had made the pledge in good faith: but reasons were given why the Government should proceed cautiously, owing to their position and the prejudice against them; but never did he hear or know that a difference of opinion existed; of that he was kept in ignorance. But have their pledges, made in good faith, been kept? have they negotiated? did they take the initiative? and are they agreed upon the question? Mr. Speaker, there is no concealing the fact, the country has been deceived, and we should wait no longer.<sup>190</sup> It had been stated, Mr. Cameron continued, that the Provincial Parliament could not legislate in the face of an Imperial Act; but the Commissioner of Crown Lands has shown that such an opinion is not correct.<sup>191</sup> The Act of 1827 had not been alluded to on this debate--it provided for the sale of one-fourth of the Reserves for religious purposes. 100,000 acres annually might be sold. And did this prevent the Legislature of Canada in 1828, and from that to 1840, from passing 13 bills directly in the face of the Imperial Acts of 1791, and of 1827. The fact was, the power to vary or repeal was not repealed by the bill of 1827, and is not repealed by the Union Act, nor by the bill of 1840;<sup>192</sup> and no one could say that instead of an Address a bill might not be sent home<sup>193</sup>, and he defied any lawyer to shew it. We have the same right we ever had--the same right we had to legislate beforehand on duties on the post office, or the civil list, and it is the way to accomplish the object, and it is the way to assert our right to local self government, and in this consists the very essence of Responsible Government.<sup>194</sup> And had its members been sincere, and this been made a Government measure, he believed there would have been no difficulty. And he had a right to charge them with neglecting the best interests of the country, and disregarding the wishes of its inhabitants, in the course they had pursued. Last year they had stated that the best way would be to proceed by negotiation for the settlement of the question; but not a step had been taken by the Government; because, as the Attorney General had stated, the administration could not agree on the subject. He (Mr. C.) had the honour to be a member of the Government till recently, but had never heard the subject agitated. He contended that the Act of Parliament of 1840 did not confer equal privileges upon the people of this Province, that it was a violation of the expressed wishes of the people, and was contrary to the Bill which was sent home. It had been asserted that the grant of the Clergy Reserves gave the same right as is possessed by individuals. He (Mr. C.) entertained different views, however, and considered grants made to religious bodies as being intended to promote the best interests of the people; and whenever it should be found that such was not the effect, the Government had a right to withdraw the endowment. He again reverted to the desire of the country that the Clergy Reserves should be appropriated in a manner that was more satisfactory to its inhabitants, by whom it was improved.<sup>195</sup>

MR. AT. GEN. BALDWIN explained, that because persons came and improved the country, it did not follow that they should complain of institutions which they previously knew were in existence.<sup>196</sup>

MR. M. CAMERON continued: The Atty. General (West) has said that the settler after 1791 had no right to complain of the existing law--they knew it when they came, and if they enriched the clergy lands by their labour, it was a part of the contract they assumed when they settled. This is the most extraordinary of all the strange things we have heard. The Atty. General thinks people are bound to

submit to laws as they find them, or leave the country. Time was when this very logic was applied to himself--he, Sir, knew the law of 1791 on another point; his venerated and ever honored father came to this country under a law which gave the people no power over their Executive, nor influence in their own affairs. He brought with him a British spirit of resistance to injury and oppression, he felt as a Briton that he had a right to complain of any unjust law, however old, and he and his son advocated an entire change of constitution, and nobly and steadily,<sup>197</sup> and successfully<sup>198</sup> contended for it, and knit the hearts of thousands and tens of thousands to them, by their resistance to a constitution that existed when they came to the country and they were taunted as traitors; they were told, if they ... did not like the constitution, to leave the country--they knew its disadvantages, for same (sic) reasons of their own, they had no right to seek a change. He (Mr. C.) felt that the hon. gentleman was endangering his popularity by such doctrines as he had announced.<sup>199</sup> He (Mr. C.) respected his principles and the feelings he entertained for the church. He would repeat that if the Act of Parliament were repealed, the people, through their representatives, would have the power of altering the existing law--that the Act referred to had been improperly passed, and was different from what was intended by the Legislature of the Province. The Union Act, he said, did not affect their rights, in this respect, and they had a right to send home a Bill which should be as strong as the people could desire; and who doubted that it would receive the royal assent, or that it would produce an effect which an address founded on the Resolutions before the House could not accomplish. What, he would ask, was the use of passing a string of resolutions which involved no principle? He (Mr. C.) was desirous of having it perfectly understood what is wanted? he would not take advantage of members of the Church of England, by inducing them to vote for a repeal of the Act, under the plea that it was not intended to alter the object of the appropriation; and gentlemen should have the manliness to declare that the intention is to take away the Clergy Reserves from the different churches, and dispense them for the general purposes of education. The Commissioner of Crown Lands in those resolutions, should have come out as the advocate of civil and religious liberty, and not as the defender of vested rights in the incumbents. He had told the House when bringing in the resolutions, that the people of this Province would never be satisfied, and that there would be no peace, until the question of the Clergy Reserves was settled. If such was the fact, and it was not to be doubted, how did that statement agree with the latter part of his speech, in which the hon. gentleman stated that it was not the most vital question which could occupy the attention of the Legislature? He, Mr. Cameron, believed with him that there never would be peace in the Province, until the just desires of the people were satisfied, and the government came down determined to settle the question. Fears had been expressed, that it might lead to difficulties with their brethren of Lower Canada. He (Mr. C.) repeated, he knew no distinction, and felt satisfied no gentleman had a desire to do what was unfair, whatever opinions he might entertain. But he would tell the members for Lower Canada, that if they take ((common)) ground and unite in favour of a church establishment, there never would be peace, nor would they be supported by any party in the country. He (Mr. C.) understood the Attorney General to say, that he would throw open the Clergy Reserves to all denominations in the Province. In that, he (Mr. C.) would join issue. He believed the great question of church and state endowments had to be decided here.--It was a battle that had been fought all over the world, it had been productive of the greatest evils to humanity, and was a relic of those dark ages when priests exercised almost kingly power. Mr. C. here read extracts from the Dundas Warder and Montreal Pilot, both journals favorable to the administration, to prove that the principles enunciated by the Resolutions, would be rejected by the people generally. He trusted the amendment proposed by



the member for the second Riding of York (Mr. Morrison) would prevail, if the house should decide not to proceed by bill; but in the meantime, he should move a Resolution in accordance with the principles of Responsible Government, which gave to the people the right to regulate their own affairs<sup>200</sup>. The boon of Responsible Government was never sought for as a finality, but as a means to an end, and that end was the liberalizing of our institutions--the reform of known and admitted abuses, and the extension of liberty, fraternity, and the natural rights of man. For this object therefore we stand upon the floor of this House, we ask only a faithful and consistent carrying out of the system of Responsible Government, we will accept of nothing less, and it is to be hoped that hon. members will vote on questions affecting our interests and our country's welfare, with that independence which characterizes the representatives of a free people. The question now before the House is purely local--a question which the Attorney General designated as our own, and one which the home Government in 1847 refused to interfere with because it was purely local.<sup>201</sup> Although they were now told that the Legislature could not do what it did years ago--pass a bill which was opposed to an Act of Parliament, that was at variance with the views and wishes of the people of the Province. He trusted that the House would proceed by bill; and which, if it were not assented to, would be repeated from year to year. He intended to have shown by statistics the injurious effects which resulted to the Province from the appropriation of one-seventh of its lands as Clergy Reserves; but as the subject was well understood by the people of the country, it was unnecessary to go into any further argument. He therefore should submit the following resolutions:--<sup>202</sup>

(80)

*The Honorable Mr. Cameron of Kent moved in amendment to the Question, seconded by Mr. Holmes, That all the words after "That" to the end of the Question be left out, in order to add the words "a Select Committee of five Members, composed of the Honorable Mr. Boulton, Mr. Notman, the Honorable Mr. Merritt, Mr. Bell, and the mover, be appointed to prepare and report to this House a Bill embracing the following propositions:--*

*That it is the duty of the Government to extend the same protection and the same privileges and immunities to every member of civil society:*

*That as the stipends made to the Clergy of certain Christian Churches to the exclusion of others, and the great disproportion of public grants to different Churches, are at variance with the first and most sacred duty of all good Governments, and as the State endowments known as the Clergy Reserves, have proved a source of great and manifold evils in this Province, obstructing the physical improvements of the country, engendering and embittering political strife and deception, and fomenting to a considerable extent mutual jealousy, distrust and alienation among the Christian Churches planted in the land; and as the Imperial Parliament have at various times invited the attention of the Legislature to this subject, and granted us full power to manage our own local affairs; it is expedient to enact, and it shall and may be lawful for the Governor of this Province, by and with the advice of his Executive Council, to sell, grant, alienate and convey, in fee simple, all or any of the lands called Clergy Reserve Lands:*

*That it is expedient that all past sales of such Lands which have been or shall be invested under the 8th Geo. 4 and 3 & 4 Vic. shall be subject to such orders as the Governor in Council shall make for investing either in some public funds in this Province, secured on the consolidated fund or in the public funds of Great Britain and Ireland, the amount now funded in England, together with the proceeds hereafter to be received from the sales of all or any of the said Reserves:*

*That the interests and dividends accruing upon such investments of the proceeds of all Clergy Reserves sold or to be sold, and also the interest to accrue*



*upon sales upon credit of Clergy Reserve Lands, and all rents arising from such Lands that have been or may be derived for any term of years, shall be paid to the Receiver General of this Province, or such other person or institution as shall be appointed to receive the public revenue, and shall together remain an annual fund for the purposes of general Education;"*

*And a Debate arising thereupon;*

MR. HOLMES said, averse as he was<sup>203</sup> to Church and State endowments,<sup>204</sup> to any connection of Church and State, and desirous of retrieving any properties<sup>205</sup> which had been devoted for the furtherance of that object<sup>206</sup> which were the rightful inheritance of the people of the Province<sup>207</sup> and again placing it under the control of the Legislature<sup>208</sup>, he would sustain the amendment of his hon. friend the member for Kent; and if that failed, he would vote for<sup>209</sup> any other of the same tendency, or even those of the Commissioner of Crown Lands, rather than the measure should be lost altogether; and that control should not be resumed, which the people, through their representatives, have a right to exercise. He had two reasons for voting as he intended, in the first place, he was satisfied that the country would never enjoy peace and contentment, until the proceeds of the Clergy Reserves fund and the lands were appropriated for the purpose of general education: and, secondly with a view of testing the principles laid down by British statesmen, of not interfering with the management of their own affairs by the people of the Province, and the appropriation of their own revenues. It had been stated that the present is a question with which the people of Lower Canada have little to do; but in the city which he represented there was a large<sup>210</sup> protestant population<sup>211</sup> besides that in the neighboring townships, who he believed during years past, had looked with abhorrence on the<sup>212</sup> iniquitous appropriation of the Clergy Reserves<sup>213</sup>, and were desirous of having them reappropriated for the purposes of general education. When so large a proportion as one-seventh of the fair lands of this Province was originally set apart as Clergy Reserves, he believed it was done with<sup>214</sup> the express purpose<sup>215</sup> to establish and maintain in Canada, what existed in England--an unholy alliance between Church and State, the effect of which was to deprive people of their liberty. The Crown of England, he said, required undivided allegiance on the part of the subject; and he maintained, on the other hand, that they have a right to demand an equal distribution of the revenues of the Province, and Her Majesty had no right to make any distinction between them<sup>216</sup> for such an unworthy purpose.<sup>217</sup> Gentlemen who were opposed to the resolutions, had endeavored to impress on the representatives of the people of Lower Canada, feelings of alarm, lest their religious institutions should be interfered with<sup>218</sup>. The appeals had been made to their religious feelings, which conveyed the impression that they were a bigoted sect.<sup>219</sup> But the appeal would be made in vain.<sup>220</sup> He was proud<sup>221</sup> the Roman Catholics there are not actuated by the same intolerant views that exist in Upper Canada among the Anglo-Saxon race. He wished hon. gentlemen would turn their attention to the tolerant Acts of the Legislature of Lower Canada, before the union of the two Provinces, and contrast them with the narrow-minded and illiberal policy pursued in Upper Canada, where Clergymen of dissenting congregations were prevented from marrying the youth of the rising generation and burying their own dead.<sup>222</sup> The Lower Province was the first country in the world where any measure was passed for the emancipation of the Jews.<sup>223</sup> The learned member for London had said the Church of England would have prospered more if it had not been contaminated by the Clergy Reserves; and it was extraordinary that while entertaining such an opinion, he did not join the advocates of a measure which would appropriate these Reserves for the education of the people.<sup>224</sup> He, and all the people of Canada, he firmly believed, were anxious to see these appropriations restored to their legitimate use--educational purposes.<sup>225</sup> The hon. gentleman concluded by saying that he should vote for the amendment proposed by the hon. member for Kent, and

if that failed, would vote for the Resolutions of the Commissioner of Crown Lands.<sup>226</sup>

MR. CAUCHON would explain why he was obliged to vote against the resolutions.<sup>227</sup> ((He)) would only vote for a resolution to restore the control of the Clergy Reserves to the Legislature of the Province. If the amendment of the member for the Second Riding of York was put in connection with the resolution to which that gentleman had referred, he (Mr. C.) would vote for it. The preceding resolutions were merely preliminary, and the question upon which members had to vote at present, was as to the right the Parliament had to legislate, and the power to do so; in the same manner as they existed before the passing of the Act of 1840. They were not there to discuss the rights of individuals or bodies of men; in relation to which, when they should come up for discussion at any future time, every member would be at liberty to vote as he may think proper.<sup>228</sup>

MR. MORRISON then read the resolution which he meant to propose, with an understanding that it should be made when the twenty-ninth resolution is taken up.<sup>229</sup>

MR. J. SCOTT of Bytown thought, after the discussion which had taken place, but little remained to be said on either side. It was his intention, however, to vote for the amendment which had been introduced by the hon. member for Kent, because he considered that<sup>230</sup> the only proper and efficient manner to settle this question.<sup>231</sup> It was only by a Bill that the House would give satisfaction.<sup>232</sup> He perfectly agreed with those members who held, that it should have been introduced as a Cabinet measure. The present course pursued was repulsive to the people of Upper Canada, and in direct violation of the promises made by those hon. gentlemen who now occupied the Treasury Benches. He believed, that had the administration made it a question by which they were determined to stand or fall, in the event of a defeat, the country would have approved them, and they might have regained their places with a greater majority than ever.<sup>233</sup> The hon. gentleman here referred to his constituents, many of whom were French Canadians, but much altered from what they formerly were.<sup>234</sup> He claimed that because every Upper Canadian reformer who had voted for the Rebellion Losses Bill, perilled his own seat for the benefit and support of Lower Canadians; (loud cries of hear, hear,) they should now return the favor,<sup>235</sup> ((they)) made it a condition at his election, that with reference to the Clergy Reserves, he would vote for the most stringent measure<sup>236</sup> in maintenance of the rights of Upper Canadian reformers--to have the Clergy Reserves settled agreeably to the well understood wishes of the people.<sup>237</sup> He believed that the government had damaged itself by this measure, more than by the rebellion bill. He had doubts about this bill, but voted for it to support his Lower Canada friends. But had that bill been put besides this measure, he would have voted for neither. And he believed that all those members from Upper Canada who took a contrary course imperilled their seats.<sup>238</sup> And notwithstanding the Attorney General West had intimated that members were not to be bound by the wishes of the people, yet he felt satisfied they should be guided by their will, although he was aware that there might be occasions when this could not be ascertained, and when a great diversity of opinion might exist among the constituency. But that remark, he said, would not apply to the present question; and if, as it had been asserted, the pleasure of the House was not to determine a measure, why was it that it was considered that when the members of the Government could not command a majority, they were to resign their seats? And when the House was told that no pledges had been given at elections as to the Clergy Reserves, he could only repeat that at his ((request)) it had been made a test question; and when he came to the House he expected to see it acted upon, and was surprised that such had not been the case.<sup>239</sup> He condemned the hon. Attorney General West for denying the sentiments which he had advocated for the last twenty years, and had pledged himself to his constituents to carry out, whenever



the reform party came into power. He (Mr. S.) as well as every member of the reform party now in the Government, was elected upon the assurance, that if the reformers had a majority, they would settle the Clergy Reserves question as demanded by this country, irrespective of Imperial legislation. He had always been disposed to believe, that it was almost impossible for a reform ministry to do wrong; but he now found them evading those promises which they had given when they went to the polls, with the Clergy Reserves as a test question, and discovered that it was not their intention to carry out the wishes of the country. He now thought them quite as bad as the Government for which the people had substituted them.<sup>240</sup> He complained of the position in which the Ministry had placed him. He came into the House on his own popularity, and from ((the)) position in which he was placed, he had<sup>241</sup> thought it but just to offer his resignation to his constituents, rather than continue with men in whom he no longer had any confidence.<sup>242</sup> He could not turn round and vote against the Ministry in the same manner that some others had done.<sup>243</sup> That resignation had not been expected, and therefore, he stood before the House free to protest against the policy of the Government in the name of his own constituents, and the majority of the reform party in Upper Canada. Under these circumstances, he would vote for Mr. Cameron's amendment<sup>244</sup>, and, if that did not carry, for the original resolution as the lesser of two evils.<sup>245</sup> There was another remark he wished to make before sitting down; it was said less time would be required by resolution than by Bill. If it were a matter of time, however, he would ask why nothing had been done two years ago? As the affair has been managed, the resolutions will go home, and probably remain on the table for six months, and the repeal of the Act of Parliament will come out just in time for the next election! (Hear.)<sup>246</sup>

MR. FLINT had always been opposed to the Clergy Reserves, and<sup>247</sup> he intended still to oppose them; and would not give one farthing for the support of any religious denomination; the portion which had been given to the Wesleyan Methodists, of which denomination he was a member, had not induced him to change his opinion. As to pledges being required at elections, the people of Hastings thought if they obtained persons of liberal principles to represent them, it was unnecessary to ask them what course they intended to pursue. He did not wish to enter further into the discussion, but must allude to an assertion which had been made--that if the Clergy Reserves question were settled, there would be no bone of contention at the next election. He would say however, that if members discharged their duty faithfully, there was no need of the Clergy Reserve question or any other test of their conduct. In 1819, no religious privileges were enjoyed in this Province, except by the Church of England and the Roman Catholic Church; and ministers belonging to the Church of which he was a member, were fined because they had celebrated marriage. But all this had been altered owing to constitutional agitation against the dominant Church of Upper Canada. A stranger on entering the House, and first hearing the debate, would suppose that all the religious feeling was on one side of the House or the other; but he would soon discern that it was a religion of pounds, shillings and pence.--Much had been said about the apostles, but he never heard of them possessing property. State endowments, he said, had brought a curse upon the human family; and he hoped to see the time when the connexion (sic) between Church and State would be swept away; all should be placed on the same footing, and if grants were made to one description of clergymen, they should be made to all. The Wesleyan Methodists who receive annually £700 from the Clergy Reserve fund, have no need of state endowments; and if money is required for Missionary purposes, the members of that denomination were ready to contribute. It was not received by the Methodists in this country however, but was sent to the Conference in England. He was in favour of the amendment proposed by the member for the second riding of York, and if that



was not carried, he would take the next best course.<sup>248</sup>

MR. WILSON wished to set himself right with regard to the opinions he had expressed, and which some hon. gentlemen had made frequent allusion to--that the English Church would be much better without the proceeds of these reserves.<sup>249</sup> Now he would put a case. He had seen a man with more money than he could make a good use of. Well, he would say that man would be much better without that money, but would that justify him (Mr. W.) in depriving him of it?<sup>250</sup> There was just the same analogy as there would be in his considering that although claimants under the Rebellion Losses Bill would be just as well without compensation when once granted it should not be again taken away.<sup>251</sup> The member for the Second Riding of York, and the member for Middlesex had attempted to make a great deal of political capital out of the Rectory question. Now he would put it to them as loyal men whether they would advise any man who complained of these patents being fraudulently obtained, to come to this House for redress?<sup>252</sup> If hon. gentlemen who were professional men acted consistently, they would put it upon the ground of the legality of those grants, and refer them to a legal tribunal, in the same manner as if a private individual, desiring to set aside an illegal patent, should institute an action in Chancery to try the validity of that title.<sup>253</sup> If they were properly granted the titles were good; but, if granted improperly, they ought not to stand an hour after the fact was found out.<sup>254</sup> To show that he was sincere in what he had said, he would support<sup>255</sup> any resolution which contemplated settling the question on these grounds<sup>256</sup>, but on no legal principles could that question be judiciously brought before the House. The honourable member for Kent had boldly asserted that the only mode of bringing this question to an issue was to legislate on it by bill. He could not believe that the hon. gentleman meant that seriously, as he must be aware that the decision of the twelve English Judges, which he was quite sure the honourable gentleman respected, was that such a course would be unconstitutional. If the hon'ble gentleman's object was really what he professed, he should have taken a very different course.<sup>257</sup> He objected to the amendment ..., because, in the first place, the Committee proposed to craft the Bill were members of extreme views, and, in the next, because it would be flying in the face of Imperial legislation.<sup>258</sup>

MR. INSP. GEN. HINCKS would not have risen again to-night but for the<sup>259</sup> very unfair attack made by the hon. member for Bytown on his hon. friend the Attorney General East. That attack was but an expression of the opinion that certain persons were endeavouring industriously to circulate throughout the country. He had as good an opportunity as any man in the House of being acquainted with the views of his hon. friend, and he had great satisfaction in saying that he had never felt the slightest difficulty in acting with him. It was said by some that his honourable friend had certain prejudices on that question, and certain strong feelings in favour of his own Church.<sup>260</sup> It was a gross injustice of the character of that hon. member, and had not the least possible foundation.<sup>261</sup> Now, from the first, he had never known that Honourable Gentleman to wish his Church to be placed in a better position than any other, or that he desired to give her one dollar or one acre of land. And as to prejudices, the hon. member for Kent would no doubt form a very contemptible opinion of him if he did not believe that the Church of which he was a member was superior to all others. In reply to another charge brought against an hon. friend of his, he would say that he had subscribed heartily to what he had stated, that no member of that House ought to become the mere echo of the majority of a public meeting; but he held this opinion, that if a gentleman was elected to carry out certain principles, and found that he could not carry them out after he had taken his seat, then he ought to tender his resignation to his constituents.<sup>262</sup>

MR. J. SCOTT (Bytown) had always understood that according to the principles of the Reform party, a member was bound by the opinions of his constituents. He was ready to admit the right of a member to judge for himself when he could not obtain those opinions.<sup>263</sup>

MR. INSP. GEN. HINCKS could not understand what the hon. gentleman meant by his explanation. As to the next charge that he had deserted his principles, he was confident that no one who knew him would say that he had ever held any other principles than those he had enunciated last night. After all the discussion on this subject<sup>264</sup> of the Clergy Reserves<sup>265</sup>, he found that although there were several shades of opinion in the House, there was one in which they were all agreed--that the Act of the Imperial Government was not a final settlement.<sup>266</sup> It was an utter misrepresentation to charge members of the Administration with endeavouring to evade their pledges to the country.<sup>267</sup> It was then necessary to arrive at the sense of the House, and for this purpose the Commissioner of Crown Lands and himself had stated their views clearly and broadly without any intention of taking the House by surprise, and yet for the purpose of creating a little political capital they had been held up to the country as traitors to the Reform interests. The hon. member for Kent, supported by the hon. member for Bytown, were, however, prepared to<sup>268</sup> adopt the absurd and unconstitutional measure ... ((of treating)) the question only by the introduction of a Bill.<sup>269</sup> Had not that already been attempted under other circumstances, and had it not been decided that it was unconstitutional? The hon. member for Kent had a perfect knowledge of that fact, and yet he would now try to delude the Reformers into the belief that they possessed that power. That course had been declared impossible by every member of the House; but still they were absurdly charged with being<sup>270</sup> renegades and traitors<sup>271</sup> because they would not pursue it.<sup>272</sup> These parties were striving to delude the Reform party, by declaring that theirs was the only proper method by which to bring about a satisfactory settlement of this question.<sup>273</sup> On the other hand they were met by the hon. member for the Second Riding with an amendment for an unconditional re-investment. Well, if the hon. member could succeed in uniting the discordant views of the House in support of his amendment, he would be entitled to a great deal of credit & he was quite sure that no one would be more ready than the Commissioner of Crown Lands and himself to shape the resolutions--for they were not pledged to maintain their form--so as to command a majority. But they were placed in a most extraordinary position. One section of the House would not consent to alienate those endowments, and another demanded an unconditional surrender. Now, his hon. friend and himself thought, that in order to procure a satisfactory settlement, it was necessary to make a provision, by which the faith of the Crown and the Parliament to the present incumbents and the religious bodies who received appropriations from the fund, should not be broken. The member for Hastings had been good enough to disclaim on the part of the Methodists any desire to receive the £700, now allotted to them out of the Clergy Reserves Fund, but he did not believe any experience of opinion on the floor of that House, or from the whole body of Methodists in Canada would relieve the Crown from the pledge given to the Society in England. Referring to the instability of the endowment of Trinity Church, New York, and the want of religious knowledge in the New England States, he said he did not believe there was a man in the House who would attempt to interfere with such an endowment as that of Trinity Church. It was not a case in point; and when the hon. member for Cornwall attempted to make it appear that the New England States were destitute of religious instruction and that it proceeded from a want of public provision for that purpose, he would tell the hon. gentleman that there were very few places in which religious knowledge was so widely diffused as in the New England States; and that if he would look at the reports on the state of England, he would find that even in the metropolis, people existed who had not even heard



the name of God. He would not understand why the Church of England should alone demand public support, on the ground that it was otherwise impossible to afford the people religious instruction. Look at what has occurred in Scotland only a few years ago. When the great mass of the clergy were absolutely turned out of doors, without even a roof to shelter them, yet by the voluntary efforts of the people, the Church was not only built up again, but Missionaries had been sent among the heathens, and he believed that some had even been sent out to the Colonies. That showed what could be accomplished by the members of a Church themselves; and when the position and standing of the parishioners of the Church of England in Canada was considered, he was convinced that if they would only settle this question amicably, their clergy would be on a better footing, and better supported than they could be under any circumstances from the Clergy Reserves. He had been told that there was no public feeling on this question,<sup>274</sup> that the country was satisfied with the present settlement,<sup>275</sup> and that it was merely agitated for political purposes. Now, what was the fact?<sup>276</sup> He would state one fact which would prove that that was not true.<sup>277</sup> Why, ... in his own country, a gentleman closely allied with the gallant knight,<sup>278</sup> he would name him Mr. Vansittart,<sup>279</sup> a churchman ... who had stated his intention to present himself as a candidate at the next election, had found that the cry against the Clergy Reserves was so popular, that he went about the country agitating the question, and recommended that all these lands should be taken away from the Church of England.<sup>280</sup> A letter from O.R. Gowan read by the hon. member for Durham, also proved the necessity for espousing this question in order to gain the votes of the people, but at the same time while it was written in such a way as to induce persons to believe that the writer was in favour of a settlement of the question, it pledged him to nothing. Then with respect to another attack by the hon. member for Kent. He would ask that hon. member if he took up the Clergy Reserve question in the Cabinet when the hon. member for Middlesex presented his petition to Parliament last session? The fact was that the honourable member for Kent entertained then the same opinion that he and every other member of the Cabinet held, that it would be inexpedient to raise the question in the then excited state of the Province, and he denied strenuously that the government had given any pledge whatever. They had merely stated that previous to taking any steps in the matter it would be desirable to communicate with the Home Government, and when a Cabinet meeting was held some time before he actually went to England, but when it was supposed he would have to go, it was then decided that it would not be advisable for him to mention the subject to the Home authorities. He did not mean to bring that as a charge against the member for Kent, because he was not aware whether he was present at that meeting; but what he wanted to come to was this. The member for Kent was at that time in the Cabinet, consequently responsible for the acts, as he knew that no negotiation was carried on with the Home Government up to the time of his resignation, he was in reality more guilty than any of his colleagues, if, as he said they were pledged to carry on this negotiation--<sup>281</sup>

MR. M. CAMERON, "Yes."<sup>282</sup>

MR. INSP. GEN. HINCKS ((continued:)) Then why did he not call on his colleagues to take that course during the time that he remained in the Cabinet? But instead of doing so he remained in the Government until last December, and then resigned on a totally different question.<sup>283</sup>

MR. M. CAMERON wanted to know how it was possible for him to know whether ((there)) was any division of opinion in the Cabinet?<sup>284</sup>

MR. INSP. GEN. HINCKS had heard it said that the hon. gentleman stated that difficulties did exist, and that he charged them on the Attorney General.<sup>285</sup>

MR. M. CAMERON had never said anything of the kind.<sup>286</sup>



MR. INSP. GEN. HINCKS would ask any one who listened to the Attorney General whether they believed him capable of practising deception? Why did not the hon. gentleman inquire for information, but he assumed forsooth, and through his own fault remaining in a state of blessed ignorance, charged them with deceiving him when he only deceived himself. Before he sat down he would say that hon. gentleman might read extracts from the Pilot or Warder on any thing they chose, but he was convinced that the Reformers in Canada had confidence in the intentions of the Ministry, and was confident that the course he had adopted was the best calculated to bring about a satisfactory settlement of this question. And after the best consideration he had been able to give it he was satisfied that<sup>287</sup> the ministry would damage the great end which they had in view, namely, the settlement of this question,<sup>288</sup> without a provision being made to preserve the rights of the present incumbents,<sup>289</sup> there were no vested rights in the reserves; but ((he)) considered it prudent to make a small concession of retaining the incumbents for the purpose of propitiating the imperial authorities. He asserted that the gentlemen who had contended for vested rights went further than the imperial parliament did; and he asked them if they were aware that the Roman Catholics received a share<sup>290</sup>, while he would oppose any interference with those rights, he would be happy to support any proposition which might be more likely, than the one he then advocated, to attain the great objects he desired.<sup>291</sup> He continued to comment upon the hon. member for Kent's speech.<sup>292</sup>

MR. M. CAMERON (Kent) called the attention of the House to a report of the proceedings of last Session.<sup>293</sup> He read extracts from speeches of Messrs. Price and Morrison.<sup>294</sup> He then found it stated by a member of the administration that the Clergy Reserves question would be taken up at a convenient season<sup>295</sup>. The people had been given to understand that the government would take the matter up during the recess. They had not done so, and the promises they had made were a fraud upon the country.<sup>296</sup> If a government could not settle a question like that, honourable gentlemen ought to withdraw their confidence from it.<sup>297</sup>

"Hear" from the opposition.<sup>298</sup>

MR. M. CAMERON ((continued:)) If that question ought to be taken up by the government last session, how was it that a private member could bring it in this session?<sup>299</sup>

MR. NOTMAN said he regretted that this question had not been introduced by the Cabinet<sup>300</sup> when he was returned for the County of Middlesex<sup>301</sup> at the last election<sup>302</sup>. This was a test question, and if it had been supposed that he would support a ministry which refused to bring it in, he would have been rejected. He said he approved of the amendment in the Speaker's hands as he differed with the hon. Inspector General that it was absurd to proceed by Bill. Was it to be supposed that the Imperial Parliament stood on such punctilio that they would insult that House by rejecting their demands, because they were conveyed in the shape of a Bill instead of an address? He put more faith in the justice of the people of England. Let them know that after twenty years legislation they would come to put their wishes before them in a tangible shape, and he was confident that they would be assented to at once. But let an address be sent home and it might lay on the table for weeks without receiving the slightest attention, and very possibly an answer to their requests would not be received until many who are now sitting in that House would be without the walls of Parliament.<sup>303</sup> He did not desire to ride the stalking horse any longer; he wanted it to be put into the stable and the country to have peace.<sup>304</sup> The people of the Province desired to see this all important question settled.<sup>305</sup> He did consider that a most baneful attempt had been made to establish a dominant church in this country.<sup>306</sup> The wish of the Country was that these Revenues should be withdrawn from all churches, and devoted to general education, and, therefore, he should vote against the Resolutions.<sup>307</sup> The hon. member went on to speak at length against the Clergy

## Reserves. 308

(80)

Mr. Solicitor General Drummond moved, seconded by Mr. Gugy, and the Question being put, That the Debate be adjourned until to-morrow, and be then the first Order of the day;

The House divided: and the names being called for, they were taken down, as follow:--

## YEAS.

Messieurs Badgley, Attorney General Baldwin, Bell, Boulton of NORFOLK, Boulton of TORONTO, Bouthillier, Burritt, Cameron of CORNWALL, Cartier, Cauchon, Cayley, Chabot, Christie, DeWitt, Solicitor General Drummond, Duchesnay, Dumas, Fergusson, Fournier, Gugy, Guillet, Hall, Hincks, Holmes, Johnson, Attorney General LaFontaine, Lyon, Solicitor General Macdonald, Macdonald of KINGSTON, Sir Allan N. MacNab, McFarland, McLean, Merritt, Méthot, Morrison, Notman, Papineau, Prince, Robinson, Ross, Scott of BYTOWN, Seymour, Smith of FRONTENAC, Smith of WENTWORTH, Stevenson, and Viger.--(46.)

## NAYS.

Messieurs Armstrong, Cameron of KENT, Davignon, Flint, Fortier, Hopkins, Jobin, Lacoste, Laurin, McConnell, Meyers, Mongenais, Polette, Sanborn, Sauvageau, Scott of TWO MOUNTAINS, Sherwood of BROCKVILLE, Smith of DURHAM, Thompson, and Wilson.--(20.)

So it was resolved in the Affirmative.

Orders  
deferred.

Ordered, That the remaining Orders of the day be postponed  
until to-morrow.

(81)

Then, on motion of Mr. Solicitor General Drummond, seconded by the Honorable Mr. Attorney General Baldwin,

The House adjourned.

APPENDIX: 20 JUNE 1850.

((WITHDRAWN MOTION RE: REFERRAL OF A PETITION.))

MR. MCCONNELL moved for the reference of a petition praying for aid for the construction of a road from the Town of Sherbrooke, to the above mentioned lake.<sup>309</sup>

The government objected to the petition being referred, on the ground that it prayed for a money grant.<sup>310</sup>

Motion withdrawn.<sup>311</sup>



FOOTNOTES: 20 JUNE 1850.

1. The following papers reported the debate on this matter in partially identical accounts: BRITISH COLONIST, 25 June 1850, HAMILTON SPECTATOR, 26, 29 June 1850, NORTH AMERICAN, 28 June 1850, PILOT, 27 June 1850, ST. CATHARINES JOURNAL, 4, 6 July 1850, MONTREAL TRANSCRIPT, 4 July 1850; NORTH AMERICAN, 25 June 1850, EXAMINER, 26 June 1850, and BATHURST COURIER, 5 July 1850. The debate was also reported by: MONTREAL GAZETTE, 25 June 1850; NORTH AMERICAN, 25 June 1850; and MORNING CHRONICLE, 27 June 1850, copied from MONTREAL HERALD, of unknown date. BATHURST COURIER, 28 June 1850; NORTH AMERICAN, 2 July 1850; LA MINERVE, 27 June 1850; and L'AVENIR, 6 July 1850, noted the debate. The BRITISH COLONIST, 21 June 1850, noted that "Mr. Notman, anxious to be well-informed as to the reasons of Mr. LaFontaine for opposing the resolutions of Mr. Price, and having his mighty intellect excited by the eloquent and statesmanlike speech of the Attorney General East, fell asleep during its delivery." The JOURNAL DE QUEBEC, 25 June 1850, noted that LaFontaine "a parlé deux heures"; and BRITISH COLONIST, 28 June 1850, also commented on the speeches.
2. EXAMINER, 26 June 1850.
3. NORTH AMERICAN, 25 June 1850.
4. HAMILTON SPECTATOR, 26 June 1850.
5. NORTH AMERICAN, 25 June 1850.
6. HAMILTON SPECTATOR, 26 June 1850.
7. EXAMINER, 26 June 1850.
8. NORTH AMERICAN, 25 June 1850.
9. MORNING CHRONICLE, 27 June 1850.
10. HAMILTON SPECTATOR, 26 June 1850.
11. MORNING CHRONICLE, 27 June 1850.
12. HAMILTON SPECTATOR, 26 June 1850.
13. NORTH AMERICAN, 25 June 1850.
14. HAMILTON SPECTATOR, 26 June 1850.
15. NORTH AMERICAN, 25 June 1850.
16. MONTREAL GAZETTE, 25 June 1850.
17. NORTH AMERICAN, 25 June 1850.
18. MORNING CHRONICLE, 27 June 1850.
19. HAMILTON SPECTATOR, 26 June 1850.
20. NORTH AMERICAN, 25 June 1850.
21. MORNING CHRONICLE, 27 June 1850.
22. HAMILTON SPECTATOR, 26 June 1850.
23. MORNING CHRONICLE, 27 June 1850.
24. HAMILTON SPECTATOR, 26 June 1850.
25. NORTH AMERICAN, 25 June 1850.
26. HAMILTON SPECTATOR, 26 June 1850.
27. NORTH AMERICAN, 25 June 1850.
28. EXAMINER, 26 June 1850.
29. HAMILTON SPECTATOR, 26 June 1850.
30. MORNING CHRONICLE, 27 June 1850.
31. NORTH AMERICAN, 25 June 1850.
32. MORNING CHRONICLE, 27 June 1850.
33. HAMILTON SPECTATOR, 26 June 1850.
34. NORTH AMERICAN, 25 June 1850.
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FRIDAY, 21 JUNE 1850.

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Petitions  
brought up.

THE following Petitions were severally brought up, and  
laid on the table:--

By the Honorable Mr. Price,--Three Petitions of the Reverend William Smith, Moderator, and Ziba W. Camfield, Clerk, on behalf of the Ministers and Messengers of the Baptist Churches comprising the Grand River Association.

By Mr. Solicitor General Drummond,--The Petition of Stephen S. Foster and others, Officers of Tent No. 26, (Canada East Tribe of Rechabites), on behalf of said Tent.

By Mr. Cartier,--The Petition of the Advocates' Library of Montreal.

By Mr. Sauvageau,--The Petition of J. Grégoire, Esquire, and others, of the Parish of St. Valentin, County of Huntingdon.

By Mr. Fergusson,--The Petition of James Peters and others, of the Township of Eramosa, County of Waterloo; and the Petition of Henry Ramsay and others, of the Township of Eramosa, County of Waterloo.

By the Honorable Mr. Attorney General Baldwin,--The Petition of Jacob Bettschen, Townreeve, and others, Deputy Reeve and Councillors of the Township of Wilmot.

By Mr. Gugy,--The Petition of F.C. Capreol, of the City of Toronto, Esquire.

By the Honorable Mr. Sherwood,--The Petition of W.R. Abbott and others, colored inhabitants of the City of Toronto.

By the Honorable Mr. Cameron of Kent,--The Petition of the Municipality of the Township of Warwick.

By Mr. McFarland,--The Petition of the Municipality of the Township of Humberstone.

By Mr. Ross,--The Petition of Louis Laplante and others, proprietors of Steam and other Ferry Boats having recourse to the Lower Town Market in the City of Quebec.

Petitions read.

Pursuant to the Order of the day, the following Petitions were read:--

Of Hiram Merriman and others, of Upper Canada; praying for the passing of an Act to allow a free competition to the contending systems of Medical practice in the Province.

Of the School of Medicine of Quebec; praying that a certain proposed Bill to enable the Montreal School of Medicine to confer Degrees or Diplomas the same as McGill College may not pass into Law, or otherwise that the like privileges be conferred upon the said School of Medicine of Quebec.

Of the Council of the Board of Trade of the City of Toronto; urging certain objections to the passing of the Assessment Bill now before the House, and recommending that incorporated Towns and Cities be altogether exempted from Assessment on personal property.

Of the Municipal Council of the County of York; praying for certain amendments to the Assessment Bill now before the House.

Of N. Sparks, Esquire, and others, of the Town of Bytown; praying for an Act of Incorporation under the name of the Bytown and Prescott Railroad Company.

Of the Municipal Council of the united Counties of Stormont, Dundas, and Glengary; and of the Municipal Council of the united Counties of Northumberland and Durham; praying that the appointment and salaries of all County Officers be placed under the control of the County Councils.

Of the Lake St. Louis and Province Line Railroad Company; praying to be authorized to construct the said Railroad at or to any place on the Province Line either in the Counties of Huntingdon or Beauharnois, also, to enable them to amalgamate the said line of Road with the Montreal and Lachine Railroad, under the

name of the Montreal and New York Railroad Company, and that the qualification of Directors of both Companies be lowered.

Of the Montreal and Lachine Railroad Company; in support of the preceding Petition of the Lake St. Louis and Province Line Railroad Company.

Of William D'Eschambault, Physician and Surgeon, and Robert L. MacDonnell, M.D., both of the City of Montreal; praying remuneration for their services as Medical Members of the Central Board of Health, during the visitation of the Cholera in 1849.

Of the Municipality of the Township of Rainham; praying that the Township of Seneca be not disturbed, but remain as at present in the County of Haldimand.

Of the Municipality of the Township of North Cayuga; and of Archibald McDougall and others, of the town of Perth and vicinity; praying for the abolition of all labor on the Lord's Day in the Postal Department of the Public Service.

Of the Municipality of the Township of North Cayuga; and of John R. Christy and William Martin, on behalf of the United Congregation of the Free Church of South Gower, Oxford, and Mountain; praying that the funds accruing from the Clergy Reserve Lands be appropriated to purposes of general education.

Of Henry Rowsell, of the City of Toronto; praying encouragement for the publication of a complete Index to the Statutes of Canada, from 3 & 4 Vic. to 12 & 13 Vic. inclusive.

Of John Frank, of the Township of Adelaide, County of Middlesex; praying that a certain portion of the concession line between the fourth and fifth concessions of the said Township be granted to him in lieu of a road given by him through his lands.

Of the Reverend L.O. Desilets and others, of the Parish of St. Guillaume, Township of Upton; praying that that part of the said Township known as the "Terrein des Associés" be and remain attached to the District of Three Rivers.

Of Alexander Daly and others, in behalf of a public meeting held in the Village of Rawdon, County of Leinster; praying that Rawdon, Kilkenny, and certain other Townships, be erected into a separate County.

Of E.C. Thomas, Esquire, and others, of the City of Hamilton; praying that the application for a renewal of the Charter of the Niagara and Detroit Rivers Railroad Company be not granted.

Of Mrs. Ann Belton, of the City of Toronto; praying indemnification for alleged loss sustained by her in the destruction of the Parliament House at Montreal.

Of the Montreal and Lachine Railroad Company; praying for the passing of an Act to extend the Charter of the said Company, and to authorize them to continue the said Railroad,--and for the incorporation of the St. Lawrence and Ottawa Grand Junction Railroad Company.

Of James Brennan and others, of the Union School Section No. 7, in the Township of Emily; praying that in the remodelling of the Common School Act, certain provisions may be inserted for the protection of Teachers' wages.

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Of William Loney and others, of the Township of Peel, County of Waterloo; praying for the opening of the Main Road from Elora to the mouth of the Saugeen, and that the price of the Lands be reduced to the original valuation.

Of Henry Smith, Esquire, late Warden of the Provincial Penitentiary of Canada; complaining of the mode of proceeding adopted by the Commissioners appointed to investigate certain charges against him, and of his dismissal from the said office, and praying relief in the premises.

Of J. Counter, Esquire, and others, of the City of Kingston; representing the evils resulting to the Mechanics of the said City from the low prices at which certain articles made in the Provincial Penitentiary are sold, and praying relief.

Of the Municipal Council of the united Counties of Northumberland and Durham;



praying for certain amendments to the Municipal Corporations Act.

Of Lewis Lambert and others, of the Township of Grantham; praying for the repeal of the Usury Laws.

Of G. Rykert, Esquire, and others, of the Township of Grantham, District of Niagara; praying for the remuneration of Jurors during their attendance at Court.

Of J.B. Osborne and others, of the Village of Beamsville and vicinity; praying that the application to renew the Charter of the Niagara and Detroit Rivers Railroad Company be not granted.

Of H. Parkes and others, of the Township of Grantham, District of Niagara; praying for the passing of an Act to render it criminal for any Lawyer to offer a Bill of Costs containing more than the tariff of fees allowed him.

Of W.C. Chase and others, of the Township of Grantham, District of Niagara; praying for the abolition of Division Courts, and that the power of collecting small debts be vested in City, Town, Township and Village Councils, or in Commissioners to be elected by qualified voters.

Of James Delany and others, of the Township of Grantham; praying a reduction of Law Fees.

Of Henry Brownlee and others, of the Township of Grantham; praying a reduction in the Judicial Expenses of the Province.

Of Simon James and others, of the Township of Grantham; praying for retrenchment in the Public Expenditure of the Province.

Of C.A. Hodgkinson and others, of the Township of Grantham; praying the repeal of the Law imposing a certain Duty on the distillation of Whiskey from Grain in this Province.

Of the Municipality of the Township of Grimsby; praying for the appointment of Commissioners to determine the position of a certain Road allowance from the first to the seventh concessions of the said Township.

Of Robert F. Nelles and others, Stockholders in the Grimsby Harbour and Pier Company; praying for a renewal of the Charter of the said Company.

Petition of N. Sparks and others;  
Of the Lake St. Louis Railroad Company;  
Of the Lachine Railroad Company;  
Of B. Ouimet and others;  
Of L.A. Dessaulles and others;

Ordered, That the Petition of N. Sparks, Esquire, and others, of the Town of Bytown; the Petition of the Lake St. Louis and Province Line Railroad Company; two Petitions of the Montreal and Lachine Railroad Company; the Petition of Benjamin Ouimet, Esquire, and others, of the Township of Upton, District of Montreal; and the Petition of L.A. Dessaulles, Mayor, and others, Councillors and inhabitants of the Village of St. Hyacinthe, be referred to the Standing Committee on Standing Orders.

Of J. Pierson and others;

Resolved, That the Petition of James Pierson and others, of the third concession of the Township of Hillier, County of Prince Edward, be referred to a Select Committee, composed of Mr. Stevenson, Mr. Smith of Frontenac, Mr. Seymour, Mr. McLean, and Mr. Meyers, to examine the contents thereof, and to report thereon with all convenient speed; with power to send for persons, papers, and records.

Of R. Darling and others, referred.

Ordered, That the Petition of Robert Darling and others, of the Township of Hillier, County of Prince Edward, be referred to the said Committee.



Seventh Re-  
port of Com-  
mittee on  
Standing Or-  
ders.

The Honorable Mr. Cameron of Kent, from the Standing Committee on Standing Orders, presented to the House the Seventh Report of the said Committee; which was read, as followeth:--

Your Committee have examined the Petition of P.T. Donnelly and others, and find that the requisite notices have been duly given.

They find that no notice has been given of the Petition of James Sleightholm and others, Stockholders of the Albion Road Company, praying that the Vaughan branch of the said Company may be incorporated as a separate Company; as, however, the Petition is signed by the President and Directors of the Albion Road Company, the only parties whose interest could be affected by the proposed change, Your Committee would respectfully recommend that the notice be dispensed with in the present case.

Montreal  
School of  
Medicine Bill.

Mr. Davignon, from the Select Committee on the Bill to amend the Act incorporating the Montreal School of Medicine and Surgery, presented to the House the Report of the said Committee; which was read as followeth:--

Your Committee, after having examined the Bill referred to them, and heard the evidence and arguments of several Physicians for and against the said Bill, have resolved to report certain amendments which are contained and mentioned in the Bill as forming part of this Report; which said amendments Your Committee have the honor to submit for the consideration of Your Honorable House.

Ordered, That the said Bill and Report be committed to a Committee of the whole House, for Monday next.

On motion of Sir Allan N. MacNab, seconded by Mr. Notman,

Champlain and St.  
Lawrence Rail-  
road Bill.

Resolved, That the Rule of this House which requires that the Chairman of the Committee on any Private Bill do not sit thereupon without giving a week's notice thereof set up in the Lobby, be suspended as regards the

Bill to authorize the Company of Proprietors of the Champlain and St. Lawrence Railroad to extend the said Road, and for other purposes.

Second Report  
of Committee  
on Railroads  
and Telegraph  
Lines.

Sir Allan N. MacNab, from the Standing Committee on Railroads and Telegraph Lines, presented to the House the Second Report of the said Committee; which was read, as followeth:--

Your Committee have examined the Bill to authorize the Company of Proprietors of the Champlain and St. Lawrence Railroad to extend the said Road, and for other purposes, and beg to recommend the same with amendments.

Champlain and  
St. Lawrence  
Railroad Bill.

Ordered, That the Bill to authorize the Company of Proprietors of the Champlain and St. Lawrence Railroad to extend the said Road, and for other purposes, as reported by the Standing Committee on Railroads and Telegraph Lines, be

committed to a Committee of the whole House, for Wednesday next.

Clergy Re-  
serves.

The Order of the day being read, for resuming the adjourned Debate upon the Amendment which was yesterday proposed to be made to the Question, That the reservation

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of a large portion of the Public Domain of this Province for the support of a

Protestant Clergy, by an Act passed in the thirty-first year of Her Majesty's Royal Predecessor King George the Third, has been for many years a source of intense dissatisfaction to the great majority of Her Majesty's subjects in Upper Canada;

And which Amendment was, that all the words after "That" to the end of the Question be left out, in order to add the words "a Select Committee of five Members, composed of the Honorable Mr. Boulton, Mr. Notman, the Honorable Mr. Merritt, Mr. Bell, and the mover, be appointed to prepare and report to this House a Bill embracing the following propositions:--

That it is the duty of the Government to extend the same protection and the same privileges and immunities to every member of civil society:

That as the stipends made to the Clergy of certain Christian Churches to the exclusion of others, and the great disproportion of public grants to different Churches, are at variance with the first and most sacred duty of all good Governments; and as the State endowments known as the Clergy Reserves, have proved a source of great and manifold evils in this Province, obstructing the physical improvements of the country, engendering and embittering political strife and deception, and fomenting to a considerable extent mutual jealousy, distrust and alienation among the Christian Churches planted in the land; and as the Imperial Parliament have at various times invited the attention of the Legislature to this subject, and granted us full power to manage our own local affairs; it is expedient to enact, that it shall and may be lawful for the Governor of this Province, by and with the advice of his Executive Council, to sell, grant, alienate and convey, in fee simple, all or any of the lands called Clergy Reserve Lands:

That it is expedient that all past sales of such Lands which have been or shall be invested under the 8 Geo. 4 and 3 & 4 Vic. shall be subject to such orders as the Governor in Council shall make for investing either in some public funds in this Province, secured on the consolidated fund, or in the public funds of Great Britain and Ireland, the amount now funded in England, together with the proceeds hereafter to be received from the sales of all or any of the said Reserves:

That the interests and dividends accruing upon such investment of the proceeds of all Clergy Reserves sold or to be sold, and also the interest to accrue upon sales upon credit of Clergy Reserve Lands, and all rents arising from such Lands that have been or may be derived for any term of years, shall be paid to the Receiver General of this Province, or such other person or institution as shall be appointed to receive the public revenue, and shall together remain an annual fund for the purposes of general Education;"

And the Question on the Amendment being again proposed:--The House resumed the said adjourned Debate.<sup>1</sup>

MR. SOL. GEN. DRUMMOND would consider that he had not done his duty, did he abstain from mentioning the position which he intended taking in regard to the Clergy Reserves question.--These Clergy Reserves<sup>2</sup> the constitutional act, causing to be set aside lots of land<sup>3</sup> of the crown<sup>4</sup> for the endowment of religion, had caused very serious injury to the Province<sup>5</sup> ((and)) were calculated to make religion a source of disunion, and to light up the fire of fanaticism<sup>6</sup>, causing dissensions, strikes, heartburnings, and<sup>7</sup> to produce moral effects which were not foreseen at the time, and<sup>8</sup> there was the authority of Lord Sydenham for saying that this question was one of the main causes of the<sup>9</sup> bloody rebellion.... He did not think, however, that the opinion was correct as to Lower Canada, although it evidently operated in Upper Canada to a great extent in producing the ill fated rebellion of 1837, owing to the supposed attempt to establish a dominant church. In fact, if any set of men were employed for the purpose of organizing



a plan, which should impede the settlement of the country, no better could be desired than the act authorizing the allotment of a large portion of the lands of the Provinces for Clergy Reserves. For when the settler came to the country and set about clearing away the forests around his location, he was stopped by those dark spots which in this way had been appropriated, and being unable to subdsue (sic) the difficulties with which he was then beset, abandoned his demense (sic) and returned to his country with an impaired constitution and broken heart. The Clergy Reserves therefore were a misfortune to the country and no member knew better than the gallant knight opposite the extent to which they had impeded the settlement of the Province. And if he (Mr. D.) could look upon the law as having gone into operation and parties had taken possession of the lands which had been granted them, he would say that all which remained for the people of the Province, under an unjust law, was to evince their respect for the rights of property.<sup>10</sup> He did not look upon the Act as relating to the Clergy Reserves, if it had, he would be the last to meddle with it. He had examined it with a great deal of attention and had divested himself of all prejudice. It had never been made a party question in Lower Canada, whatever it might have been in Upper Canada, although there had been some excitement in some of the townships which he represented<sup>11</sup>, and although on local circumstances he might be considered less prepared to give an opinion than members of Upper Canada, yet from all absence of prejudice he might be considered as better prepared to decide with impartiality than they were. It must have been remarked by all who paid attention to the votes of members for Lower Canada before and since their arrival here, that they had been guided by<sup>12</sup> the immutable laws of justice<sup>13</sup> in the discharge of their legislative duties<sup>14</sup> and it was remarkable that the word "expediency" had no corresponding term in the French language<sup>15</sup>, and they considered every subject which presented itself, without reference to themselves, or as to whom it might affect, because they deemed themselves responsible to a much higher power than that by which they were surrounded. He trusted, therefore, that the members for Upper Canada would do him the justice to believe that he (Mr. D.) came to the conclusion at which he had arrived, with a sincere desire to be guided by the principles of truth and justice. He said he would look at the Act in a legal point of view; and after giving to it his best consideration,<sup>16</sup> he regretted to say that he had come to an entirely different conclusion from that come to by the member for Montreal (Mr. Lafontaine)<sup>17</sup>, the Attorney General East<sup>18</sup>, for whose opinion he always entertained the utmost respect<sup>19</sup> and he regretted he could not come to the same conclusion<sup>20</sup>, he could not view the Act referred to as having created any vested rights on behalf of the Protestant Clergy. This act was passed for the support of a Protestant Clergy, when there was none in the country, and when not one-thirtieth portion of the population of the country professed the Protestant religion. The question of the Clergy Reserves had been looked upon as merely aid for Upper Canada, but he (Mr. D.) considered it as equally affecting the Lower Province, as the Act had reference to the entire country, which then formed but one Province. There was nothing which he regretted more than that the separation had taken place, and it was a source of satisfaction to his mind, that the two Provinces had been reunited. The Act, he repeated, was intended to apply also to the Lower Province, not one-sixth of whose people were Protestants. He might be mistaken as to the exact proportion; but whatever it was, still he would say, the allotment for one privileged case, was an Act fraught with injustice.<sup>21</sup> Still, if he looked on that law as a deed of gift reduced into possession, he should set those considerations aside and say there was one law above all others--the law of property--which ought never to be violated.<sup>22</sup> If the law ... had been legally carried out, as he had before said, it must be submitted to; but in his opinion, it had not been so carried out.<sup>23</sup> But he could not in a legal point of view look on that act as vesting any property in any clergy whatever, for<sup>24</sup> in all appropria-



tions of this kind there must be some persons or corporations in whom the property is vested. There must not only be a donor but a donee<sup>25</sup> but had the Imperial Government or Parliament declared to whom it was intended to be made?<sup>26</sup> There was no donee, and he looked upon the endowment as incomplete.<sup>27</sup> No doubt must exist--has it ever been defined?<sup>28</sup> To suppose that it was intended exclusively for the Protestant Episcopal Clergy was most absurd; for all denominations of Protestants were equally entitled to share in the allotment<sup>29</sup>, and included the Methodists and Baptists, and even the deists also, because all professed contrary to the Roman Catholic religion. But the matter remained in doubt.<sup>30</sup> The allotment, he considered was in an inchoate (sic) state, because the parties for whose benefit it was, were not defined, and they had not entered into possession. Was it not evident that in making the allotment, it was meant that when society should become organized, the Legislature which might then be assembled, should appropriate the lands in such a manner as might meet the wishes of the people, and conducive to their welfare.<sup>31</sup> The Imperial Government had relinquished all desire to appropriate them, which was a courtesy to the people of Upper Canada. The Imperial Government have not the intention to deal with this question, and would give to the people of this country the power to deal with it themselves. He trusted the concession of Responsible Government was not a gift. It was a concession which the people of Canada were entitled to. The Imperial Government would never stand in the way of the people of Canada governing themselves. He believed it would allow them to settle this question scheduling (sic) to the best of their ability<sup>32</sup>. Looking at the subject in this point of view, and seeing that the Legislature of Upper Canada were desirous that the Clergy Reserves should be invested for the purposes of education; the Imperial Government which was the donor, determined to regulate the allotment according to the well understood wishes of the people, for whose welfare the grant was extended; and it was the subsequent deviation from this determination, when the Imperial Parliament was called by the Legislature of Upper Canada to legislate upon the question, which had been subsequently productive of discontent, strife, and misery.<sup>33</sup> He here read extracts from Lord Goderich's despatches<sup>34</sup> in 1831<sup>35</sup> as proof of this permission given by the donor.<sup>36</sup> But even admitting that there were vested rights in this way created,<sup>37</sup> which he denied<sup>38</sup>, were the people of this Province to be bound down by an equivocal expression in the law; and he would ask if it were not their duty rather to<sup>39</sup> neglect a vested right<sup>40</sup> than that truth and justice should be trampled down.<sup>41</sup> Was it not the first duty of Parliament to preserve the peace of society? Did there not arise in all communities occasions in which the interests of society required that vested rights should be distributed? Who would say that it was wrong in France that she manumitted all the serfs in the country in one night? Yet that was an interference with a vested right<sup>42</sup> and was not it a justifiable act on the part of the British Government when it liberated the slaves in the West Indies<sup>43</sup>. Was it wrong in the British Parliament to take from the bishops of Ireland a small portion of their large income<sup>44</sup> derived from the State for doing nothing? and was not Lord Morpeth acting rightly, when he proposed appropriating £97,000, which belonged to that Church, to the purpose of education<sup>45</sup> when in many of the benefices there were but very few persons professing the religion of the Church of England, and in others none? He (Mr. D.) had lately read the debates in the English Parliament on the proposal of Lord Morpeth,<sup>46</sup> and although the motion, after being carried in the House of Commons, was ultimately lost in the House of Lords, yet he (Mr. D.) did not find from the debate that he had been met with the cry of vested rights; the great difficulty which he experienced in carrying out the measure, was in dealing with its details.<sup>47</sup> He was arguing on the assumption that it would be justifiable to interfere with the Reserves if they were vested in the right way but fortunately, as he believed,<sup>48</sup> that the principle was not involved here; he looked upon the donation under the constitutional act, as inchoate (sic) and incomplete.<sup>49</sup> And if, in this Province, a law for the incorporation of a large portion of the public lands<sup>50</sup>

set apart for the moral, religious, and intellectual welfare of the people<sup>51</sup> was found in its effects to create discord among the people, ought not the<sup>52</sup> omnipotent voice of Parliament to<sup>53</sup> interfere, and say—"Thus far shalt thou go and no farther;? and by doing so, for reasons already stated, he did not think they would be violating any principle, as it was clear, from the tenor of the original act, and an explanatory dispatch of Lord John Russell, that Parliament intended the endowment should be in conformity with the well understood wishes of the people"<sup>54</sup> Passing over these intermediate periods, however, and coming down to 1841, he confessed that<sup>55</sup> notwithstanding the declaration of the Legislature of Upper Canada, that the clergy reserves should be appropriated for the diffusion of education, he believed its members abandoned and betrayed their trust, in yielding their appropriation to the Imperial Parliament and were forgetful of the principles of responsible Government which had been conceded, by which the Imperial Government were not competent to grant a single acre of land--and which will not hesitate to re-invest in the present Legislatures that which their predecessors had abandoned, and to relinquish on behalf of the local authorities the right to adjust the subject of contention, in conformity with the just right of those whom they represent. And the members of that assembly would lose sight of what was due to their constituents, if they did not regain that which should never have been parted with.<sup>56</sup> He believed the only mode of reaching the object in view was by adopting the course taken by his hon. friend, the member for South York.<sup>57</sup> At a period like the present, he said, when England was acting with the greatest liberality towards the colonies, the Legislature ought not to pass a law, when an address would obtain all that was required. He (Mr. D.) was always disposed to preserve a moderate course, and was not disposed to insult the Imperial Parliament by supposing that they would refuse to do that which was reasonable.<sup>58</sup> ((A bill)) would be ungrateful under the circumstances, as England had shown every disposition to concede to us self-government.<sup>59</sup> He said he did not attribute to the hon. member for Kent, Mr. Cameron, a desire to defeat the object he had in view; but such would be the effect of passing a bill in opposition to an act of the Imperial Parliament, the result of an application from the Legislature of Upper Canada, that they would by legislative enactment appropriate the allotment of the clergy reserves.<sup>60</sup> They had only to pass an address, and it would be granted them.<sup>61</sup>

MR. AT. GEN. LAFONTAINE rose and explained<sup>62</sup>, in answer to an interruption of Mr. M. Cameron,<sup>63</sup> what he had said yesterday.<sup>64</sup> The Legislature of Canada might originally have dealt with the Clergy Reserves; but by the Act of 1840,<sup>65</sup> which repealed the clauses<sup>66</sup> of the constitutional act, which gave us control over them<sup>67</sup>, that power had been taken from them. On a previous day, an hon. gentleman had asked in debate, if the Legislature of the Province possessed the right to deal with the Clergy Reserves, why does it not possess the power at present? He must have forgotten the Act of 1840. When Upper Canada passed the Bill alluded to, that power was still in existence.<sup>68</sup> The constitutional act only gave the Legislature of Canada the power of creating these Reserves, but did not actually create them. But the act of 1840 took out of the hands of the Colonial Legislature this power, because it did allot reserves to specific purposes.<sup>69</sup> From the tenor of the speeches of hon. members, it appeared that many gentlemen considered allotment and appropriation to mean the same thing. But to set apart land was not to appropriate it.<sup>70</sup>

MR. SOL. GEN. DRUMMOND went on to say, that he understood, though he differed from it, the view taken by Mr. LaFontaine; but even if he agreed with that gentleman, he should still think the distribution among all the sects impossible.<sup>71</sup> He was prepared to vote for the Resolutions of the Com. of Crown Lands; and if the control of the Clergy Reserves were again vested in the Colonial Parliament, he



would then determine whether they should be appropriated for the benefit of the various religious denominations in the Province, or for the purposes of general education; he would not pledge himself however, as to any course he might hereafter pursue; and he agreed with the Attorney Gen. West, that the question was not to be decided then.<sup>72</sup> He thought that our first object should be to get those Reserves under our own control, in order afterwards to dispose of them according to the best of our judgement (sic).<sup>73</sup> The Resolutions did not propose that; although they recognized the claims of persons who had left their native country upon the faith of the government, the only description of rights which he (Mr. D.) was disposed to recognize, and which he conceived was the proper and correct course to secure the reinvestment of the Reserves.<sup>74</sup> These were the only vested rights he would acknowledge, and they must be held in respect. The faith of the Crown was pledged to the parties and the first thing a government should look to was its pledged faith.<sup>75</sup> If the amendment of the member for the Second Riding of York were adopted, by which the Legislature of the Province were not pledged to do that, it would be placing the Imperial Government in an awkward position<sup>76</sup> before the Parliament<sup>77</sup>, for gentlemen must look at the effect to be produced in England by the present measure, and their object should be to show that the people of the Province did not partake of the socialist and disorganizing<sup>78</sup> communistic<sup>79</sup> doctrines of the present day,<sup>80</sup> which had affrighted from their propriety some of the best men in England.<sup>81</sup> The learned member for Toronto had referred to the endowment of the Roman Catholic Church in Lower Canada, as being similar to that which was complained of here; but he did not view them in the same light<sup>82</sup>, and contended that, for the most part, they were not endowments<sup>83</sup> at all. There might be some few endowments for religious and other purposes, but the greater part of that property consisted of gifts from individuals, and was held by the same sort of title by which he or any other member of the House held his property.<sup>84</sup> But, if they were affected by this measure, still we should act conscientiously, without regard to consequence. He had been much moved by the eloquence of the hon. member for Cornwall, but when he recollected that he had heard that hon. gentleman equally impressive upon another question--the<sup>85</sup> King's College<sup>86</sup> Question, and had afterwards heard him bring forward a measure for splitting up that very endowment,<sup>87</sup> and ... ((distributing it)) among other denominations<sup>88</sup>, he felt less dread for the result of his (Mr. D's) vote on this occasion.<sup>89</sup> With these views he would oppose the amendment of the hon. member from Kent.<sup>90</sup>

MR. CHAUVEAU, who spoke in French,<sup>91</sup> had listened with some care to the arguments which had been produced<sup>92</sup> on both sides, he avowed that since the beginning of the debate, with some exceptions, the arguments had been little intelligible, but<sup>93</sup> ((he)) took the same view of the subject as the Attorney-General East.<sup>94</sup> It was clear to him that what was given for a religious purpose ought to be preserved for that purpose.--Nor was he satisfied with the arguments of the hon. member for Shefford, that these properties were not given to any defined persons. That seemed to be far too subtle and technical, something more fit for the legal tribunals than for the legislature.--He held, however, that it might be very necessary to discuss and perhaps legislate on the subject, for throughout the civilized world, questions which like this involved religious joined to political considerations were creating the greatest excitement. In France it was the university--in Great Britain it was Maynooth--here it was the Clergy Reserves. Believing then in the propriety of discussing the subject, he had to consider the propositions submitted by different parties. The proposition of the hon. member for the West Riding appeared to him subject to greater objection than that of Mr. Price. He was not ready to ask the Imperial Parliament in a general manner to give up the disposition of these properties, as if they belonged without distinction to other funds, to the common revenues of the Province, but the demand he made to adjust



the distribution of these funds so as to divide them equitably among all claimants, and he would willingly concur, but the Legislature had not as he thought, the right to dispose of the Clergy Reserves for other than religious objects, and if that were so, it was clearly still worse to ask to have them given up, without making any provision for the persons at present interested in them as incumbents. The proposition which appeared to him the least reasonable of all was that of the hon. member for Kent. It was clear that the measure proposed by that gentleman could not be carried out. Coming then to the proposition of the hon. Commissioner of Crown Lands, he would say that he was not prepared at present to lay his hand on the fund and give it to any indifferent object, at the same time he would not say that the Clergy Reserves were more sacred than any other portion of the public property. He would not sweep them away, but upon a demand properly made, he thought like all other property, they might be commuted so as to prevent them from continuing--as it was well known they now were--most injurious to the interests of settlers. Neither would he say that it was impossible to effect a fair distribution among all religious denominations. He thought, however, that he should not be prepared to oppose himself, as a permanent obstacle to the wishes of the people of Upper Canada, if they should show, at a new election, made to turn on this point, a strong and decided desire for a particular course. He proceeded to repel the menaces which had been made by gentlemen of the opposition, to alarm hon. members from Lower Canada. It was in vain to attempt to alarm hon. gentlemen by lugubrious prophecies and melo-dramatic airs. It was in vain that they were told to take care of themselves, and not to vote for what they thought just, lest the members from Upper Canada should hereafter do what they acknowledged to be unjust. Such an argument was neither convincing nor generous. He believed that there was a great difference between the position of these properties and that of the Catholic properties in Lower Canada. The first had been constantly subject to change and debate, and had been constantly legislated upon, and their disposition changed; the latter had been held without any dispute, and what was a still better title, by the universal respect of the people, as well Protestant as Catholic. These possessions were given like any other seignories, and their (sic) was this farther difference between them and the property at present under discussion, that the former were in no case given for the support of worship. That was maintained by tythes, and the persons who would lose by the destitution of the religious corporations were the poor, sick and infirm. Having made these observations he would conclude by stating, that if the resolutions had contained any thing to show that after the control of the reserves were given up to the Canadian Legislature, they would not be diverted from their destination, he would have voted for them. As it was, he must (sic) vote against the twenty-fifth, twenty-ninth and thirtieth.<sup>95</sup>

MR. MCCONNELL was opposed to the allotment of the lands of the Province for the use of any particular church or religious establishment; and considered the present question as applicable to both Provinces, and not as having reference exclusively to Upper or Lower Canada.<sup>96</sup> A man liked to vote with his friends when he could; but when he could not, he considered, that he should give his opinion. The hon. member proceeded to speak against the clergy reserves.<sup>97</sup> It had been justly observed by the hon. member for Shefford, that a worse plan for settling a country could not be devised.<sup>98</sup> Persons coming from England and the United States, with a view to settling in Canada, found in operation a system having for its object, as they conceived, the union of Church and State--a plan which would not answer here, and which had retarded to a great extent the settlement of the country.<sup>99</sup> Other lands were sold, but the Reserves were only leased, and the consequence was, that<sup>100</sup>, on many of the lots allotted as Clergy Reserves, persons had squatted, and have at present good farms, upon which they are required to pay twice as much back-rent as they are worth. He was satisfied that the appropriation of those lands had not been productive of benefit to the Church of

England. In the part of the country which he represented, he said there had been some of the first men who were clergymen of that Church, and who had done more for the benefit of education than any other class of persons,<sup>101</sup> and shown a more liberal spirit than almost any others;<sup>102</sup> but who, owing to the prejudice which existed against them<sup>103</sup> created by the Clergy Reserves<sup>104</sup>, had been much restricted in their sphere of usefulness<sup>105</sup>, and ... had not been able to establish more than a single congregation.<sup>106</sup> He was opposed to state endowment of churches.<sup>107</sup> In his opinion, every flock should support its own pastor<sup>108</sup>, and if they would not do that, he should leave them.<sup>109</sup> He would vote for any resolutions or amendment that would have the effect of bringing back the control of the question to this country; and placing it in such a position that the bone of contention could be taken away, and the reserves applied in some manner in which they could do some good.<sup>110</sup>

DR. LATERRIERE spoke in French. He<sup>111</sup> complained that the French members had been insulted by the appeals which had been made to them, and which if made to single individuals would not have been borne.<sup>112</sup> Heretofore members from Upper Canada had accused hon. members from Lower Canada of being only the puppets of the Attorney General East, and had made great complaint about French domination. Such an insult was very much misplaced<sup>113</sup>. He asked, where had been the French domination in Upper Canada? During that session they had heard no more of the French language<sup>114</sup> spoken here since the opening of the session than might have been heard in China. Hon. gentlemen threatened to destroy the Catholic endowments. He was not influenced by these considerations but he had been led by the admirably logical conclusions of the Attorney General West, (Mr. Baldwin) to see the danger of raising a tempest that might overturn existing interests in Upper Canada, even at the request of Upper Canada herself.<sup>115</sup>

MR. H. BOULTON thanked the Attorney-General East for the example which he had set to his colleagues, of straight-forward conduct.--His speech did honor to his heart and head, and showed he had the benefit of the country in view. The speech of the Attorney-General West, on the contrary, reminded him of the old saying, "that language was intended to conceal one's ideas." He entered into a defence of his own conduct, stating that when Attorney-General, he had brought in a bill to settle the Clergy Reserve question. The original object of the Reserves had been mis-understood; it was, to enable the Crown hereafter to make grants to religious bodies when they saw fit; that object had been lost sight of altogether. The result of the Clergy Reserves Act had been, to throw power into the hands of the Government. As a member of the Church of England, he objected to the control of that portion granted to that Church being placed in the hands of the Society for the Propagation of the Gospel. Unless the Government intended to keep this up as an election question, the course they ought to adopt would be, to bring in a bill to repeal the Imperial Act, with a clause providing that it should not come into operation until the Imperial Parliament had passed a similar law.--If this was done, and the Imperial Parliament were reminded that the former act was an infringement of our rights, it would succeed. Any other course would be useless. He would be opposed to any measure, unless it had for its object to reinvest the control in this Parliament. The Church of England had never been the Established Church in this country--it had none of the powers of an Establishment, to collect tithes or rates, or enforce its behests. He thought it strange, after Mr. Price had stated in a letter to his constituents in 1849, that there was no difference of opinion in the Ministry on this or any other subject, that he should now come here and propose a measure in this way--a measure of which the Attorney General East had expressed his distinct disapprobation. He could not unravel such conduct. The Government were not doing fairly by the people on this question.<sup>116</sup>



MR. H. SHERWOOD (Toronto) was at a loss to understand what the hon. member for Norfolk intended to advocate; he thought he should come out with some distinct explanation of his views. What does the hon. gentleman intend to do with the Clergy Reserves.<sup>117</sup>

MR. H. BOULTON said he intended to appropriate them for Education.<sup>118</sup>

MR. H. SHERWOOD continued.--The speech of the hon. Attorney General for Lower Canada had done him infinite credit. The hon. Attorney General West had admitted, that the question could not be settled without making some provision for preserving the present incumbrances upon the Reserves. The proposition made by the Commissioner for Crown Lands was perfectly consistent with those constitutional principles which were settled in the country.<sup>119</sup> ((He)) condemned the different propositions before the House, but he was not prepared to say that he would not support a resolution which would have for its object the reinvestment of the reserves in the colonial legislature, to be applied for the support of religion. He was only in favor of the reinvestment on that fundamental principle.<sup>120</sup> He defended the plan of an address, in opposition to a bill, at great length.<sup>121</sup> He held that the only course which could be pursued on the question, was that which had been followed in the Resolutions. They would make themselves laughing stocks in the eyes of the Imperial Government, if they passed a bill in that House to settle the question before the Imperial Act had been repealed.<sup>122</sup> He was opposed to that part of the act that allows the Governor in Council to exercise discretion in giving half of the revenues to such denominations as apply for it. He thought it was placing them in a most humiliating position; and giving the government power to drive bargains with them for political purposes.<sup>123</sup> Every denomination of Christians should receive a proportion of the reserves in proportion to their numbers. The numbers should be taken from the census and there should be no interference on the part of the Cabinet at all; and no favors should be granted to any. He contended that it was perfectly absurd to say, that because some few sects refused to receive their shares, that all other Christian communities should be deprived.<sup>124</sup> He would offer it to them, and leave them to refuse it if they thought proper.<sup>125</sup> But as these Reserves were given to the Church for purposes of religion, he would ever refuse to divert them from that object--even though he lost his popularity by it.<sup>126</sup> Relative to making questions, open questions he had been taught on this subject by the Attorney General West. He (Mr. S.) remembered that when he was in office that the Attorney General West had taunted him upon all occasions with weakness when he had left any question open that had reference to the general interests of the country.<sup>127</sup> He alluded to the taunts which the Attorney General (West) had thrown out to the former administration, because it had not introduced the King's College question as a Cabinet measure, and<sup>128</sup> he now threw back those taunts; and he contended that government should have made this question a cabinet one, and have gone out if defeated. He did not agree with the hon. member for Norfolk that open questions should be agreed upon before the formation of the cabinet. He thought that it would be a clog to government.<sup>129</sup> He intended to vote against the resolutions and each of the amendments which had been proposed.<sup>130</sup>

MR. CHABOT spoke against the resolutions in French.<sup>131</sup> ((He)) would vote against the amendment of Mr. Cameron, because it was illegal; and against that of Mr. Morrison, because it did not preserve the rights of the present incumbents. Coming to the original resolutions,<sup>132</sup> he said ... ((they)) were too long and complicated<sup>133</sup>. He objected that the House was not informed of what it was intended to do with the<sup>134</sup> funds arising from the Clergy Reserves<sup>135</sup>. He said that he was ready to vote for the request that Great Britain should restore the control of this property to the colony; but they went further than this, and indicated an intention to dispose of it in a manner other than for religious instruction.<sup>136</sup> If it were intended to give it for canals<sup>137</sup>--for railroads--<sup>138</sup> or education,



the House ought to know it, and he would be prepared to discuss the question, but he<sup>139</sup> did not wish to be entrapped into an opinion on which he might be required to act some other day. For the present he<sup>140</sup> could not see any sense in the notion that endowments for religion are bad; if religion was good he could not see how it could be bad to set apart means for its support.<sup>141</sup> Even supposing the present Parliament were to vote this demand on the Imperial Parliament, and the demand were granted, the actual disposition could not, in all probability, be made by the present Parliament. Was it probable that the next Parliament would think like the present? If not, what chance was there that it would be settled? He felt that it was the intention of the hon. mover of the resolutions to engage the House in an indirect manner to a particular course, and this was the more evident, from the fact, that this long string of propositions was introduced most unnecessarily in addition to that simple proposition upon which the whole Cabinet was agreed, viz, that the Canadian Legislature should have the control of these funds. He concluded with repelling the observations which had been made with reference to the religious establishments of Lower Canada.<sup>142</sup>

MR. ROBINSON was much pleased with the remarks just made by the honorable and learned member for Quebec, and only regretted that the honorable member who introduced the original resolutions, did not perhaps, fully understand what the honorable member had said. He said, and very truly, that the question was not fairly before the House. He (Mr. R.) therefore, called on the honorable gentleman who introduced the resolutions, to state clearly, and, as the honorable member for Quebec said, "franchement,"--frankly, what he, and those who supported him, would do with the proceeds of the Clergy Reserves, were they now at the disposal of this Assembly.<sup>143</sup>

MR. INSP. GEN. HINCKS--To give them for education.<sup>144</sup>

MR. ROBINSON--They would not then give them for religious purposes at all.<sup>145</sup> ((He)) wished to know whether that was to be taken as a decisive answer.<sup>146</sup>

MR. COM. CR. LANDS PRICE would explain. His opinion was that the Clergy Reserves should be given for secular education; he only spoke for himself however, and when it came up for settlement he might not be in the Legislature to take part in it. It would be in the power of the Canadian people to do as they pleased about it<sup>147</sup>, and he was willing to leave it to Parliament to dispose of it as they may think proper.<sup>148</sup>

MR. ROBINSON--Then he was to understand, not for the support of religion of any denomination.<sup>149</sup> "Yes."<sup>150</sup> He (Mr. R.) now knew what they would do with them, if in their power; and those honorable members for Lower Canada, who have repeatedly desired to know this fact could no longer be at a loss. He (Mr. R.) could not help thinking, that whatever hopes the hon. mover of these resolutions had, when first introducing them, of carrying them into effect and settling this vexed question, he must now be convinced, from the debate which had taken place and lasted nearly the whole week, how hopeless it was to expect to come to any satisfactory settlement here<sup>151</sup> which would please all parties.<sup>152</sup> What (said Mr. R.) do we see?--Why the very members of the same Government differing from and opposing each other on resolutions introduced by one of themselves, and not only in this house, but also in the other branch of the Legislature. He believed the members of the Government having seats there, were opposed to these resolutions. Well, if this house could not agree on this question, when might they expect one that could. Surely they never can expect to have a greater majority in any future house, than they now have. Did honorable gentlemen opposite suppose a change in this House would never take place. Surely a time might come in a few years, when those now in a minority, might have the ascendancy. Would therefore, any settlement made to satisfy present parties, be satisfactory to them? Certainly

not; and the agitation would be again commenced.<sup>153</sup> What purpose had they then of settling the question.<sup>154</sup>

MR. MORRISON--With increased representation.<sup>155</sup>

MR. ROBINSON--They would then see when public support was taken away from religion in Upper Canada, discontent among the people of Lower Canada, who would soon begin to question the propriety of their paying tithes.<sup>156</sup> We ought to be thankful that the British Government had settled a question which, after years of excitement in this country, we had not been able to accomplish ourselves. And here he now must express his astonishment, that the present Government, strong as it was, had not the firmness to resist any pressure from without, and refuse again to agitate the country on this question. A weaker Government, forced to strengthen itself otherwise without exciting surprise; but here they saw the strongest Government they ever had since the introduction of Responsible Government, yielding to the solicitations of some few of their supporters, because, forsooth, they had pledged themselves at the hustings, to disturb the present settlement of this question. It was very clear the Government, as a Government, had no intention of doing so, for the question was not even alluded to in his Excellency's speech at the opening of the Session. And how did the hon. Attorney General West himself appear before the House, when speaking on the question? Why, he spoke for nearly an hour, before any one in the House or at the bar, could form an idea how he meant to vote. It was very clear his heart was not in the cause, and much to his credit too, for it would not have been in the right place if it had been there. He (Mr. R.) would just refer to an Act passed in 1823 respecting titles. The preamble (which he read) states distinctly that provision having been made, by the reservation of one-seventh of the Province, for religious purposes, it should not be lawful for any person to demand or receive tithes. He merely alluded to this to show that the grant was made in lieu of tithes, and did not mean to say, that were the intentions of the Resolutions now under discussion carried into effect, the Act mentioned would be repealed; no one denied that: but he would say, that we would exhibit to the world what had never been witnessed in any other country--that is, a Province in one end of which a support was secured, by law, for one religion, and that too for the support of a religion which was not the religion of the empire to which the Province belonged while no such provision existed in the other.--(Hear, hear.) He would say to honourable members, if this state of things did exist, those who paid tithes in one part of a Province, while no support for religious institutions was given in the other, might one day think that they, too should be relieved from such a burthen. He (Mr. R.) noticed a remark made by the hon. member for West York (Mr. Morrison), respecting the Church of England being a dominant church, and, as such, inclined to exert undue authority in the country; he would just refer to the Journals of 1837, where the following Resolution would be found:--

"Resolved--That, in the opinion of this house, the Rectors who have been, or who may be established in this Province, cannot, and ought not to receive any ecclesiastical or spiritual power or authority whatever over any portion of the people of this Province, other than the members of their respective congregations." (Hear, hear.)

This Resolution was carried 46 to 7, and among the names of the majority will be found those of Boulton, (G.S.) McNab (Sir Allan), Prince, Robinson, and others now in this House; and yet they were accused of daring to establish a dominant Church! (Hear, hear.) The same hon. member had also been pleased to allude, in a flippant manner, to the Lord Bishop of this Diocese, and said he<sup>157</sup> had dictated in most tyrannical manner to his clergy, who had thought it necessary to take a different course from him<sup>158</sup>, and exercised his authority over them in a highhanded manner. He (Mr. H.) would assert, without fear of contradiction, that the Bishop of Toronto<sup>159</sup> exercised his authority as wisely as in any diocese on the face of



the earth, and that he<sup>160</sup> enjoyed the respect and esteem of his Clergy and the whole Province, in as high a degree as any Bishop in the world. (Cheers.) And why was it so? It was because he commanded their respect by his indomitable energy and industry; and because he had, during the course of a long life--as long, however, as he (Mr. R.) could remember--been actively engaged in discharging his various duties, in a manner highly beneficial to the country; and this too not cheered on in his<sup>161</sup> onerous labours,<sup>162</sup> as he should have been, by all; but, amid the abuse and calumny of many who, to answer their own ends, were in the constant habit of attacking him. It might be that some two or three individual clergymen in the Diocese fancied they had cause of complaint, but he (Mr. R.) was very sure that, in exercising his authority, the Bishop did what he felt to be right and necessary.<sup>163</sup> He did not see how members could reconcile it to their consciences to leave the support of religion to chance or to individual contributions.<sup>164</sup> He (Mr. R.) had also listened to the common assertion, that the Church would be better if left to herself; and his hon. friend (Mr. McConnell) said he believed the Reserves had done more to injure the Church of England than anything else. Now, he knew that that hon. gentleman was an honest man, and he believed what he said to be true--but what was the fact? Was the Church of England, notwithstanding this corrupting cause and all the attacks and misrepresentation of her enemies, very far behind the other Churches of the Province? Honorable gentlemen knew she was not.<sup>165</sup> It was at any rate quite certain that the Church of England had prospered with them, for there was no church he knew of more prosperous than it<sup>166</sup>. Go where they would, in this city or throughout the country, did they not find as large and respectable congregations of that Church as any other<sup>167</sup>, particularly in the towns of the Province<sup>168</sup>? It was in the country districts that the difficulties of the church were felt.<sup>170</sup> He could appeal to his hon. friend from Lincoln (Mr. Merritt) as to the great good that had been effected in St. Catherines by the ministry of the present incumbent<sup>171</sup>, not only to his own Church, but to the whole neighbourhood;<sup>172</sup> and yet how difficult it was in that large and wealthy place<sup>173</sup> in raising ... a hundred a year<sup>174</sup> for the support of its pastor; the hon. gentleman knew as well as he did, that much of the amount required was paid by the poor and honest Cannallers--while gentlemen of large landed property paid little, if anything--besides it was injurious to make the minister depend entirely upon his congregation. People were<sup>175</sup> actually afraid<sup>176</sup> to be seen at Church, and considered as belonging to the congregation, for fear of being called upon on the Monday to pay money for its support, which they could not perhaps spare or had no means of obtaining.--He (Mr. R.) could also speak of his own county<sup>177</sup>, Simcoe,<sup>178</sup> one of the largest in the Province, having some 24 Townships--and there they could find in the Townships of Tecumseth, West Guillimbury and others, congregations nearly as large as they saw in this city. Much of this might no doubt, be attributed to the respected incumbent, who, fortunately for his flock, was a gentleman of good private means, and which he had expended among them most liberally<sup>179</sup>, yet ... if the clergyman was withdrawn, and the people called upon to pay,<sup>180</sup> he (Mr. R.) much feared many of the Churches now well attended would be closed--for the people in our new Townships were poor. Hon gentlemen would make ample provision for securing their worldly wealth,--Courts, without regard to expense, were established, to enable them to punish the person who robs a hen-roost, but for the support of those who were engaged in the far more important duties of saving men's souls, they would make no provision, but left that to chance. The hon. Solicitor General East said that Lord Sydenham had asserted that the Clergy Reserves caused the Rebellion--what he (Mr. R.) would ask, did his Lordship know of the matter except what he was told by the very men who had always agitated the question and took that view of it--he could know nothing himself about it--as much perhaps as when he electioneered against himself (Mr. R.) in Simcoe, and said he was a land-jobber, which was contradicted in rather plain terms on the spot by a friend of his. The Solicitor General also said the provision was made for the flock and not for the shepherd--how then could he vote



for the resolutions, one of which in express terms, confined the grant to present incumbents. (Hear, hear.) He (Mr. R.) would repeat his surprise and regret that the question was again brought before the Legislature, and thus cause agitation in the country, and must protest against the folly and wickedness of such a step.<sup>181</sup>

MR. SANBORN felt some difficulty in entering upon a subject so intricate. He thought that hon. gentlemen who had participated in the debate on this question had not attached sufficient importance to the interest which was taken by the people of the Lower Province ... in the Clergy Reserve question.<sup>182</sup> The portion of the country which he represented was as deeply interested in this question as any other part. It was a newly-settled country, and the keeping the lands unsettled was felt as a grievous injury. He had no doubt that the member for Simcoe had expressed the honest sentiments of his heart; he had been brought up in these views; he (Mr. S.) had been educated with entirely different views, they were as deeply inwrought in his mind, and he trusted that he would receive the same credit for sincerity and honesty as he was willing to accede to others. He was surprised to hear that member assert that without an endowment the ministers of religion could not be sustained, after witnessing the trial of the voluntary principle for the last half century in England, where not only was religion sustained<sup>183</sup> by voluntary contributions of the members,<sup>184</sup> but from whence large missionary stations were established in all parts of the world; in the United States, similar results were seen, in Scotland more recently, and in many portions of Canada.<sup>185</sup> The voluntary principle ... was much more desirable than any reliance upon state support.<sup>186</sup> The ministry had been attacked for not making this a ministerial question, and he would have preferred that there had been no difficulties in the way to prevent it; but whether it was ministerial, anti-ministerial, or quasi-ministerial, he was prepared to support the resolutions as they stood. He wished that the controul of the matter should be placed in the colonial Legislature; its ultimate disposal would probably be in the hands of a succeeding parliament, but he might say that he did not take the same view of that matter as the Attorney-General East, or the Member for Quebec. Their argument on the vested rights had been already discussed<sup>187</sup> at great length by gentlemen much more competent to render an opinion upon it than himself.<sup>188</sup> ((He)) took the same legal view which had been expressed by Mr. Drummond<sup>189</sup>, whose view appeared to him the most feasible one.<sup>190</sup> But he went further<sup>191</sup> in that point.<sup>192</sup> The Clergy Reserves was a gift to all denominations of Protestants, but there had been no formal acceptance of it by them. The acceptance of one or two, or less than all, would not give the gift the binding force of a vested right--it must be accepted by all. But he considered in addition, as the people considered, that no length of duration of a wrong could make a<sup>193</sup> "vested right".<sup>194</sup> Suppose that of the whole land of a new country, the government who held them in trust for the people should confer on one particular sect two-thirds, which would make the rest of the people mere serfs to that denomination, would any length of time make that a vested right not to be disturbed? No; they must admit that there were some rights originally so wrong that they must be made right. He admitted readily that it must be a case of great injustice, to justify the interference with such matters. Suppose that hundreds of years ago, a class of the people had been placed under the necessity of labouring for one privileged body, had become their slaves, would the continuance of the servitude for centuries make this a vested right not to be disturbed; or ought it not to be swept away as an infringement of the liberties of man?<sup>195</sup> It had been urged by some honorable gentlemen<sup>196</sup> that no church would have an advantage over another under the present settlement,<sup>197</sup> ((that)) state endowments to one denomination operated no injury on another denomination. But that statement he denied. They gave one part of the people prerogatives and advantages that others could not enjoy<sup>198</sup> and<sup>199</sup> although members ((of)) the Roman Catholic faith disclaimed all desire to share in the endowment, it would be doing them gross in-

justice to exclude them from a participation in it.<sup>200</sup> That ... was an additional reason with him for not continuing the injustice.<sup>201</sup> State pay always tended to build up a dominant church, the existence of which was an injury and injustice to all other religious persuasions.<sup>202</sup>

MR. MORRISON had omitted the matter of tithes in his speech of yesterday. On that subject he would merely remind hon. gentlemen of the Act passed by the Upper Canada Parliament, abolishing tithes<sup>203</sup>. With reference to what the member for Simcoe had said as to the domination of the Church of England,<sup>204</sup> that the repeal of the law for the collection of tythe in Canada was proof that the Church of England did not desire to be dominant. He (Mr. M.) denied that this was the case; the repeal of the law in question, took place only when the Church of England expected to get one-tenth of the lands of the Province; and that she desired to be dominant he cited as a proof the terms in which the rectory patents were drawn. He read a clause from one of these patents<sup>205</sup>, he believed that the people of Canada had good reason to fear it, when they saw in the Rectory patents that they were established<sup>206</sup> to provide permanent instruction in the doctrines of the church of England for all the loving subjects of Her Majesty<sup>207</sup> ((in)) the township where they were endowed, and when the township was endowed with the lands, and not the incumbent for the time being. The hon. gentleman had said that no settlement would satisfy all. He (Mr. M.) certainly did not hope to satisfy the other side of the House on the question. They would be content with no less than one-seventh of the whole lands of the Province, but a measure which would satisfy a great majority of the people he thought they could and would agree upon. He was quite ready to admit all that the hon. member had said about the energy and activity<sup>208</sup> and admirable character of the Bishop of Toronto.<sup>209</sup> They ought to reflect, however, that there was good reason for that energy; almost any body would be energetic with £1500 a year from these very Clergy Reserve funds to gain and to preserve. He was astonished to hear the hon. member say that the Church of England would not support their Clergy-men without the aid of the State. They were the wealthiest body in the Province, and if they were not able to support their ministers, no sect was, yet others had supported their ministers well without any foreign support.<sup>210</sup> The attempt to establish a dominant church had created the greatest evils in the country. He knew many persons not those who had joined the rebellion of 1837 who had always held themselves ready to shoulder their muskets rather than submit to a dominant church in the country; and he did not blame them.<sup>211</sup> The sentiments expressed by him yesterday he still maintained, notwithstanding all that had been subsequently advanced. He was decidedly of opinion, that the resolutions of his hon. friend, the member for South York would never be effectual for the settlement of this question.<sup>212</sup>

MR. AT. GEN. LAFONTAINE desired to say a few words on the amendments to the resolutions which had been offered. The amendment to proceed to the settlement of this question by a bill instead of an address was introduced with the professed desire of hastening the accomplishment of the object in view. He (Mr. L.) considered that instead of hastening, it would have the effect of retarding it. He did not wish to speak of motives, but this amendment justified them in thinking that there were persons who did not wish this measure to pass at all, an insincerity with which they were very ready to charge his hon. friend who introduced the resolutions.<sup>213</sup> To proceed by bill would be antagonistic to the Home Government. And it would be so viewed.<sup>214</sup> This address could be sent over at once to Great Britain, while a Bill would be sent to the upper House, where, if not rejected, it might be delayed till the end of the session. He spoke now of the delay, but it was hardly necessary for him to say that he considered the only proper way to approach the Imperial Government on the subject was by address, and that the hon. member for Kent had taken the means best calculated to defeat the object desired. He would also vote against the amendment of the member for West



York<sup>215</sup> because it did not propose any provisions for the incumbents<sup>216</sup>. To reject the original resolutions in its favor, would make it appear that they considered that there was no vested right at all<sup>217</sup> and he could not go so far as that.<sup>218</sup> A curious argument had been used by the member for Simcoe in trying to excite the fears of the French Canadians, in which there was no danger of his succeeding, however. He said that if the Reserves were taken from the Church of England in Upper Canada, that the people of Lower Canada would become unwilling to pay their tithes. That was a curious argument. Because the people of the Church of England was made to support their own ministers, that therefore the Roman Catholics would become unwilling to support theirs! He did not suppose that the hon. member would say that the Roman Catholic Church received one penny from those not belonging to her. He had a better opinion of the people of the Church of England than to think, as the hon. member dreaded, that they would not support their ministers if the Reserves were withdrawn.<sup>219</sup> He believed the hon. member for Quebec with his views, need not refuse to vote for the resolutions for anything except the twenty-ninth. He would not vote for that<sup>220</sup> for the reasons he had previously given, but he desired to see the control of the lands again in the hands of the Canadian Legislature.<sup>221</sup>

DR. LATERRIERE said he had intended to vote in favor of the Resolutions, but his views had been completely changed by the Speech of the Attorney General West, who had convinced him that his own opinion was erroneous, and that he ought to oppose the resolutions, and he would do so.<sup>222</sup>

MR. H. BOULTON (Norfolk) rose amid loud cries of "question," "spoke," "hear him," &c. He thanked the hon. Attorney General East for the manly, straightforward speech he had made, which did equal honor to his head and his heart. He then went over the same grounds he had taken in his two former speeches, defended his political career, and said he would vote against the Resolutions, as they were not brought forward in the hope of being attended with any good results, but merely in order to keep up an agitation. He had taken exactly the same grounds in 1831, when he voted that the services of the Chaplain of the House should be discontinued, as it was the common practice of the House immediately after prayers to make them the subject of acrimony and invective.<sup>223</sup>

MR. H. SHERWOOD was at a loss to understand the views of the hon. member for Norfolk, who ought to have come forward with some distinct declaration as to the course he intended to pursue. He then contrasted the speech of Mr. Lafontaine with that of the Attorney General West. The former had done himself great honor by a clear statement of his opinions, while the latter had been more embarrassed than he had ever before seen him, and had proved to his satisfaction that the hon. gentleman felt he was treading on dangerous grounds. When he listened to those two leading members of the administration acknowledge so plainly the difficulties with which they were met at every turn, notwithstanding the pressure from without, he thought the House ought to be very careful how they proceeded. For his part, he would never consent that the Reserves, which had been set apart for the support of religion, should be ever devoted to other purposes, and if other denominations refused to receive the share allotted to them, he could not conceive that to be a good reason why the Churches of England and Scotland should be deprived of what they were entitled to. The fact was, that these Resolutions were merely intended to open the door to another twenty years' agitation, and he should therefore oppose them.<sup>224</sup>

(83)

*And the Question being put on the Amendment; the House divided: and the names being called for, they were taken down, as follow:--*



## YEAS.

Messieurs Bell, Boulton of NORFOLK, Cameron of KENT, DeWitt, Fergusson, Hall, Holmes, Hopkins, McConnell, Notman, Papineau, Scott of BYTOWN, and Thompson.--(13.)

## NAYS.

Messieurs Armstrong, Badgley, Attorney General Baldwin, Boulton of TORONTO, Bouthillier, Cameron of CORNWALL, Cauchon, Cayley, Chabot, Chauveau, Christie, Crysler, Davignon Duchesnay, Dumas, Flint, Fortier, Fourquin, Guay, Guillet, Hincks, Jobin, Lacoste, Attorney General LaFontaine, LaTerrière, Laurin, Lemieux, Solicitor General Macdonald, Macdonald of KINGSTON, Sir Allan N. MacNab, Marquis, McFarland, McLean, Merritt, Méthot, Mongenais, Morrison, Polette, Price, Prince, Richards, Robinson, Ross, Sanborn, Sauvageau, Scott of TWO MOUNTAINS, Seymour, Sherwood of BROCKVILLE, Sherwood of TORONTO, Smith of DURHAM, Smith of FRONTENAC, Smith of WENTWORTH, Stevenson, Taché, Viger, and Wilson.--(56.)

*So it passed in the Negative.*

*And the Question being again proposed, That the reservation of a large portion of the Public Domain of this Province for the support of a Protestant Clergy, by an Act passed in the thirty-first year of Her Majesty's Royal Predecessor King George the Third, has been for many years a source of intense dissatisfaction to the great majority of Her Majesty's subjects in Upper Canada;*

MR. CAYLEY desired to call the attention of the House to a very extraordinary error, which the hon. Commissioner of Crown Lands had made in the statement, and calculations with which he had prefaced the resolutions then under discussion; and he trusted that if he succeeded in convincing the House that the hon. member had based his resolutions upon false promises, he should have its support to (sic) the amendment he was about to move. When the Commissioner of Crown Lands described its population of the Province, and the amount which had been derived from the sale of the Clergy Reserves, he thought his object was the proportionate appropriation of the allotment that had been made among the different bodies of Protestants; and was therefore surprised to find his object was to deprive them of the allowance altogether. Before taking up the calculations made by the Hon. Commissioner of Crown Lands, he would draw the Hon. Gentleman's attention to an observation with regard to the commission on Clergy Reserve sales, which he was reported to have made, which was not consistent with facts, and which, although not of much importance, was calculated to place the late Administration in disadvantageous contrast with the present; the hon. gentleman would recollect that it was the late and not the present Administration who had made the change from 40 to 6 per cent, while he is reported to have stated, in reply to the observation of the Member for Toronto (Mr. Sherwood), that a large proportion of the sales had been swallowed up by the Crown Land Department; that since the Government had come into power the charge for collection had only been six per cent.<sup>225</sup>

MR. COM. CR. LANDS PRICE explained that that was an error of the press.<sup>226</sup>

MR. CAYLEY continued.--The speech had evidently been reported and revised with much care and it was rather surprising so glaring a misstatement had been committed. The hon. gentleman then went into the examination of the statements and calculations made by Mr. Price in reference to the Clergy Reserve sales. It appeared by these calculations, he remarked, that the produce of the sales already made, together with the accumulation of arrears of interest and the value of the land yet undisposed of would make a sum total of about two millions, and the House had been informed that the interest of this sum would give to 1000 clergymen of the Episcopalian and Scotch Churches £120 a piece, or just 7s 9d. per head for every man, woman and child in their respective congregations; while one-third of the whole population was entirely excluded from any participation in these revenues, and the Roman Catholics and Methodists derived but a most miserable pittance. Could any assertion be more unfounded? uncandid he might say, considering the op-

portunities the hon. gentleman had of making himself acquainted with the facts. Did he not know that under the Imperial Act, 3 and 6 Vic., cap. 78, passed in 1840--the interest arising from one-half of all the Clergy reserve sales was placed at the disposal of the Governor and Council, for the purposes of public worship and religious instruction? and from any participation in that fund, the Scotch and Episcopalian Churches as having been previously provided for, were entirely excluded! The hon. the Commissioner had estimated the whole amount to be derived from Clergy reserve sales at two millions; £720,000 of that amount had been already realized from the sale of a million acres, one-half under the old Act of Geo. IV, and the other half under the last Act to which he had referred; but they had been told by that hon. gentleman, that the early sales had been effected at very low rates--that twenty-five years ago they did not cover selling expenses, consequently the proceeds of the sales made under the old Act could not be estimated at more than £300,000, leaving the balance of seventeen hundred thousand pounds, whenever realized, to be disposed of under the regulations of the Imperial Act, 3 and 4 Vic., which placed one-half, as he had before stated, at the disposal of the Government and Council; the revenue to be derived from that half, calculated at six per cent, would yield upwards of £50,000 a-year. Had any steps, the hon. Gentleman asked, been taken to carry out the provisions of that act? Had they attempted to follow the course commenced in that respect by the late Administration? Had they not, on the contrary, withheld every shilling, in order to make out their case before the public? The House had been told by the hon. Inspector General that the sum of £6,000 was at that moment at the credit of that fund; and from a paper with which he had been courteously furnished from the Government office, it appeared, that a further sum of £6,000 might be calculated upon at the close of the year 1850, and that the progressive increase of that revenue might be taken at £1,500 per annum, until the whole amount of 50,000 a-year was realized by the complete disposal of the Clergy reserves. In the course of his speech, the hon. Commissioner of Crown Lands had told the House, that the members of the Church of England would now regret that they had not in the first instance compounded for one half of the Clergy Reserves, instead of desiring the whole, by which this Church would have been secured in the undisturbed enjoyment of that portion of the allotments. He (Mr. C.) was not disposed to subscribe to the hon. Gentleman's code of morality, or to that by which the Inspector General was actuated. In the first place, no set of men were authorised to enter into such a compromise. But had there not been that insuperable difficulty, what greater guaranty would they have had than what they then possessed under the Imperial Act--that they would have retained those funds, of which the Society for the Propagation of the Gospel in Foreign parts is at present the trustee. Was it because they had not compounded, he would ask, that the Church of England had forfeited its claims? The Legislature might deal as they pleased with the Clergy Reserves and the vested rights of Upper Canada; they might carry out the old adage that might makes right; he Mr. Cayley, would still echo the principle asserted by his hon. friend the member for Cornwall, that two wrongs did not make a right, and he would never raise his voice to touch the endowments of Lower Canada. The morality of the hon. member the Chief Commissioner was upon a par with the erudition and biblical research of the hon. Solicitor General West, who announced his opinion that so many different sects having emigrated to the Province, to wit: the English, Irish, Scotch and Germans, the Clergy Reserves should be abolished. He concluded by moving the following amendment:--227

(83)

*The Honorable Mr. Cayley moved in amendment to the Question, seconded by the Honorable Mr. Macdonald, That all the words after "That" to the end of the Question be left out, in order to add the words "it is inexpedient to disturb or unsettle by resolution or enactment the appropriations or endowments now existing*



*in Upper and Lower Canada for Religious purposes: That the well-being of society, and the growing wants of the various Christian Bodies in Canada demand that the several provisions of the Imperial Act 3 & 4 Vic. c. 78, should be carried out to their fullest extent: That by the said Act one half of the interest arising from all Clergy Reserve sales made under the provisions of the said Act, was placed at the disposal of the Governor of Canada, with the advice of the Executive Council, for the purposes of Public Worship and Religious Instruction: That the amount now at the disposal of the Government exceed six thousand pounds, and is rapidly accumulating: That the annual sales of Reserves are large; and, adopting the estimate of the Chief Commissioner of Crown Lands, will ultimately yield a revenue, at the disposal of the Government, exceeding Fifty thousand pounds per annum: That it is expedient that the fund in hand, and the future revenues placed by the said Act at the disposal of the Government, should be apportioned among the Roman Catholic, Free Church of Scotland, Presbyterian, Methodist, Baptist, Lutheran, and other Christian Bodies heretofore unprovided for--such apportionment to be definitively made according to the next Census to be taken, meanwhile according to the last Population Returns;"*

MR. CAYLEY.--It would be perceived by that amendment that it was his desire to exclude no denomination of Christians from a participation in the Clergy Reserve fund; he had expressly included the Roman Catholics, as by the Imperial act, they were enumerated amongst the Religious bodies entitled to Reserve aid.<sup>228</sup>

MR. J. A. MACDONALD of Kingston seconded the motion, but made no speech.<sup>229</sup>

MR. M. CAMERON (of Kent) suggested that Mr. Cayley had omitted a great many denominations, and mentioned a list of them.<sup>230</sup>

MR. WILSON found fault with the resolution of Mr. Cayley for its injustice towards the free church.<sup>231</sup>

(83)

*And the Question being put on the Amendment; the House divided: and the names being called for, they were taken down, as follow:--*

YEAS.

*Messieurs Badgley, Boulton of TORONTO, Cameron of CORNWALL, Cayley, Christie, Crysler, Gagy, Macdonald of KINGSTON, Sir Allan N. MacNab, McLean, Robinson, Seymour, Sherwood of BROCKVILLE, Sherwood of TORONTO, Smith of FRONTENAC, and Stevenson.--(16.)*

NAYS.

*Messieurs Armstrong, Attorney General Baldwin, Bell, Bouthillier, Burritt, Cameron of KENT, Cauchon, Chabot, Chauveau, Davignon, DeWitt, Duchesnay, Dumas, Flint, Fortier, Fourquin, Guillet, Hall, Hincks, Holmes, Hopkins, Jobin, Johnson, Lacoste, Attorney General LaFontaine, LaTerrière, Laurin, Lemieux, Solicitor General Macdonald, Marquis, McConnell, McFarland, Merritt, Méthot, Mongenais, Morrison, Notman, Papineau, Polette, Price, Richards, Ross, Sanborn, Sauvageau, Scott of BYTOWN, Scott of TWO MOUNTAINS, Smith of DURHAM, Smith of WENTWORTH, Taché, Thompson, Viger, and Wilson.--(52.)*

(84)

*So it passed in the Negative.*

*And the Question being again proposed, That the reservation of a large portion of the Public Domain of this Province for the support of a Protestant Clergy, by an Act passed in the thirty-first year of Her Majesty's Royal Predecessor King George the Third, has been for many years a source of intense dissatisfaction to the great majority of Her Majesty's subjects in Upper Canada.*

*Mr. Wilson moved in amendment to the Question, seconded by Mr. Davignon, That*



all the words after "That" to the end of the Question be left out, in order to add the words "that an humble Address be presented to Her most Gracious Majesty The Queen, praying that Her Majesty will recommend to the Imperial Parliament a measure for the repeal of the Imperial Act 3 & 4 Vic. c. 78, having due regard to just and invested rights;"

MR. WILSON should not detain the House by making a long speech.--The Imperial Act, however wise it might be, was unjust in its operations; but having been passed, and rights having grown up under it, they were bound to respect those rights. The object of his amendment was to procure the repeal of the Act of the Imperial Parliament; and with reference to future appropriations, to place the Legislature of this Province in the position in which it was before that Act was passed. He considered it useless to ask for its repeal, without reference to rights which had arisen under it.232

(84)

And the Question being put on the Amendment; the House divided: and the names being called for, they were taken down, as follow:--

YEAS.

Messieurs Crysler, Sauvageau, and Wilson.--(3.)

NAYS.

Messieurs Armstrong, Badgley, Attorney General Baldwin, Bell, Boulton of NORFOLK, Boulton of TORONTO, Bouthillier, Cameron of CORNWALL, Cameron of KENT, Cauchon, Cayley, Chabot, Chauveau, Christie, Davignon, DeWitt, Duchesnay, Dumas, Flint, Fortier, Fourquin, Gugy, Guillet, Hall, Hincks, Holmes, Hopkins, Jobin, Johnson, Lacoste, Attorney General LaFontaine, LaTerrière, Laurin, Lemieux, Solicitor General Macdonald, Macdonald of KINGSTON, Sir Allan N. MacNab, Marquis, McConnell, McLean, Méthot, Mongenais, Morrison, Notman, Papineau, Polette, Price, Richards, Robinson, Ross, Sanborn, Scott of BYTOWN, Scott of TWO MOUNTAINS, Seymour, Sherwood of BROCKVILLE, Sherwood of TORONTO, Smith of DURHAM, Smith of FRONTENAC, Smith of WENTWORTH, Stevenson, Taché, Thompson, and Viger.--(63.)

So it passed in the Negative.

And the Question being again proposed, That the reservation of a large portion of the Public Domain of this Province for the support of a Protestant Clergy, by an Act passed in the thirty-first year of Her Majesty's Royal Predecessor King George the Third, has been for many years a source of intense dissatisfaction to the great majority of Her Majesty's subjects in Upper Canada;

The Honorable Mr. Boulton moved in amendment to the Question, seconded by the Honorable Mr. Cameron of Kent, That all the words after "That" to the end of the Question be left out, in order to add the words "an humble Address be presented to Her Majesty, praying that Her Majesty will be graciously pleased to recommend to Her Imperial Parliament that it is expedient for the quieting the minds of Her Majesty's Canadian subjects in relation to the appropriation of the Lands set apart in Canada for the support of a Protestant Clergy, and for remitting the final disposition of the said Lands, and of all monies derived from the sale thereof, to the Legislature of this Province, that an Act passed in the Imperial Parliament held in the third and fourth years of Her Majesty's Reign, intituled, "An Act to provide for the sale of the Clergy Reserves in the Province of Canada, and for the distribution of the proceeds thereof," be repealed, and that the appropriation of the said Lands and the monies arising from the sale thereof, be left to the disposition of Her Majesty's Canadian Parliament, to whom alone it constitutionally belongs to legislate thereon;"

And the Question being put on the Amendment; the House divided: and the names being called for, they were taken down as follow:--

## YEAS.

Messieurs Boulton of NORFOLK, Burritt, Cameron of KENT, Hopkins, Johnson, McFarland, and Scott of BYTOWN.--(7.)

## NAYS.

Messieurs Armstrong, Badgley, Attorney General Baldwin, Bell, Boulton of TORONTO, Bouthillier, Cameron of CORNWALL, Cartier, Cauchon, Cayley, Chabot, Chauveau, Christie, Crysler, Davignon, DeWitt, Solicitor General Drummond, Duchesnay, Dumas, Flint, Fortier, Fourquin, Guillet, Hall, Hincks, Holmes, Jobin, Lacoste, Attorney General LaFontaine, LaTerrière, Laurin, Lemieux, Solicitor General Macdonald, Macdonald of KINGSTON, Sir Allan N. MacNab, Marquis, McConnell, McLean, Méthot, Mongenais, Morrison, Notman, Papineau, Polette, Price, Richards, Robinson, Ross, Sanborn, Sauvageau, Scott of TWO MOUNTAINS, Seymour, Sherwood of BROCKVILLE, Sherwood of TORONTO, Smith of DURHAM, Smith of FRONTENAC, Smith of WENTWORTH, Stevenson, Taché, Thompson, Viger, and Wilson.--(62.)

So it passed in the Negative.

Some discussion took place as to how the resolutions on the main motion should be put. Mr. Morrison's amendment was moved to the 29th resolution, and it was proposed to move all the resolutions down to that at once.<sup>233</sup>

MR. H. BOULTON (Norfolk) said that he had no objection to the first 24 resolutions if an allusion to him, which was liable to misconception, was struck out.<sup>234</sup>

MR. COM. CR. LANDS PRICE consented.<sup>235</sup>

Objection being made to several of the resolutions, the Speaker put the first separately.<sup>236</sup>

(84)

Then the main Question being put; the House divided: and the names being called for, they were taken down, as follow:--

## YEAS.

Messieurs Armstrong, Attorney General Baldwin, Bell, Boulton of NORFOLK, Bouthillier, Burritt, Cameron of KENT, Cartier, Chauveau, Davignon, DeWitt, Solicitor General Drummond, Duchesnay, Dumas, Flint, Fortier, Fourquin, Guillet, Hall, Hincks, Holmes, Hopkins, Jobin, Johnson, Lacoste, Attorney General LaFontaine, Laurin, Lemieux, Lyon, Solicitor General Macdonald, Marquis, McConnell, McFarland, Merritt, Méthot, Mongenais, Morrison, Notman, Papineau, Polette, Price, Richards, Ross, Sanborn, Sauvageau, Scott of TWO MOUNTAINS, Seymour, Smith of DURHAM, Smith of WENTWORTH, Taché, Thompson, and Wilson.--(52.)

## NAYS.

Messieurs Badgley, Boulton of TORONTO, Cameron of CORNWALL, Cauchon, Cayley, Chabot, Christie, Crysler, Guy, LaTerrière, Macdonald of KINGSTON, Sir Allan N. MacNab, McLean, Robinson, Sherwood of BROCKVILLE, Smith of FRONTENAC, Stevenson, and Viger.--(18.)

So it was resolved in the Affirmative.

The Honorable Mr. Price moved, seconded by the Honorable Mr. Hincks, and the Question being put, That it appears by the last Census taken in Upper Canada, that the Population of that section of the Province was, in the year One thousand eight hundred and forty-eight, 723,332, of which 239,651 and returned as in connexion with the Churches of England and Scotland, the only Churches receiving any considerable benefit from the Clergy Reserve endowment:

That it appears by the last Census taken in Lower Canada, that the Population of that section of the Province was, in the year One thousand eight hundred and forty-four, 678,490, of which only 70,229 are returned as in connexion with the Churches of England and Scotland:



That the power given by the 41st clause of the above mentioned Act to the Provincial Legislature, to "vary or appeal" the provisions respecting the allotment and appropriation of Lands for the support of a Protestant Clergy, affords sufficient evidence that in the opinion of the Imperial Parliament the question was one that ought to be settled with reference to the state of public opinion in the Colony rather than to that in the Mother Country:

That in the early settlement of the Province the reserved Lands were of little value, and as no sales had then been authorized by the Imperial Parliament, the question attracted but a slight share of public attention:

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That so soon as the intention of the Government to dispose of the Lands reserved in Upper Canada became known, the Representatives of the People of that Province took the whole subject into their most serious considerations, and, with an unanimity that prevailed on no other question, endeavoured to remove a grievance universally complained of by the People, save and except by those interested in the maintenance of Church Establishments:

That in the year One thousand eight hundred and twenty-seven, a Bill to authorize the sale of the Clergy Reserves and the application of the proceeds thereof to the purposes of general education, was passed through the House of Assembly of Upper Canada, the division on the second reading having been 22 to 6; that this Bill was rejected by the Legislative Council:

That a dissolution having taken place soon after the Tenth Parliament of Upper Canada met in the year One thousand eight hundred and twenty-nine, when a Bill for the sale of the Clergy Reserves and the application of the proceeds to Educational purposes passed through its various stages in the House of Assembly without a division, but was again rejected by the Legislative Council:

That in the year One thousand eight hundred and thirty, during the second session of the Tenth Parliament, another Bill containing similar provisions to the former ones was passed by the House of Assembly without a division, and was rejected by the Legislative Council:

That a dissolution having taken place, a new Parliament met in the year One thousand eight hundred and thirty-one, when Resolutions expressing the same views were adopted by a large majority in the House of Assembly, an amendment proposed by the Solicitor General having been rejected on a division of 29 to 7:

That in the year One thousand eight hundred and thirty-two, during the second session of the Eleventh Parliament, an Address to the Crown praying for the application of the Clergy Reserves to Educational purposes was carried by a large majority in the House of Assembly:

That after the passage of the Address last referred to, a Message was sent down to the House by Lieutenant Governor Sir John Colborne, in which His Excellency stated that he had His Majesty's Commands to make a communication to the House of Assembly in reference to the Lands set apart for the support and maintenance of a Protestant Clergy; that His Excellency informed the House that the representations made to His Majesty and to His Royal Predecessors of the prejudice sustained by His faithful subjects in this Province from the appropriation of the Clergy Reserves, had engaged His Majesty's most attentive consideration; that His Majesty had considered with no less anxiety, how far such an appropriation of Territory is conducive either to the temporal welfare of the Ministers of Religion in this Province or to their spiritual influence; and that His Majesty invited the House of Assembly of Upper Canada to consider how the power given to the Provincial Legislature by the Constitutional Act, to vary or repeal this part of its provisions, can be called into exercise most advantageously for the spiritual and temporal interest of His Majesty's faithful subjects in this Province:

That after the reception of the above Message, a Bill to re-invest the Clergy Reserves in the Crown, discharged of all trusts whatsoever, was introduced and read a second time, on a division of 29 to 7:



That in the year One thousand eight hundred and thirty-three, during the third session of the Eleventh Parliament, a Bill having similar provisions with that formerly adopted by the House, was read a second time, on a division of 26 to 2:

That in the year One thousand eight hundred and thirty-four, during the fourth session of the Eleventh Parliament, a Bill of a similar character was passed through its several stages in the House of Assembly by considerable majorities, though opposed with the whole weight of the Government, but was rejected by the Legislative Council:

That in the year One thousand eight hundred and thirty-five, during the first session of the Twelfth Parliament of Upper Canada, a Bill for the sale of the Clergy Reserves and the application of the proceeds to Educational purposes, was passed by a majority of 40 to 4, but was rejected by the Legislative Council:

That during the same session, Resolutions were sent down to the House of Assembly by the Legislative Council in which the opinion was expressed that, as the Legislature of the Province had been unable to concur in any measure respecting the Clergy Reserves, it was expedient to address His Majesty and both Houses of Parliament requesting that the Imperial Parliament should legislate on the subject:

That the House of Assembly, by a majority of 24 to 12, resolved, "That this House has heretofore repeatedly passed Bills providing for the sale of the Clergy Reserves, and the appropriation of the monies arising therefrom to the support of Education, which Bills have been rejected without amendment by the Legislative Council: That with the same view this House have repeatedly made known, by humble and dutiful Addresses to His Majesty, their wishes and opinions, and the wishes and opinions of His Majesty's faithful subjects in this Province on this highly important subject, and this House takes this opportunity of declaring that these wishes and opinions, both on the part of this House and of their constituents remain entirely unchanged: That during the second session of the last Parliament His Excellency the Lieutenant Governor, by Message, informed the House that he had received His Majesty's instructions to declare that the representations which had at different times been made to His Majesty and His Royal Predecessors, of the prejudice sustained by His Majesty's faithful subjects in this Province from the appropriation of the Clergy Reserves, had engaged His Majesty's most attentive consideration, and His Majesty had most graciously been pleased to invite the House of Assembly to consider how the powers given to the Provincial Legislature by the Constitutional Act, to vary or repeal the provisions which it contains for the allotment and appropriation of the Clergy Reserves, would be most advantageously exercised for the spiritual and temporal interests of His faithful subjects in this Province: That this House, in compliance with His Majesty's wishes thus graciously expressed, and with the strong and well known desires of His Majesty's faithful subjects in this Province, has passed a Bill during the present Session to provide for the sale of the Clergy Reserves, and to apply the money arising from such sales to the support of Education: That the said Legislative Council has not passed the said Bill, has not amended it, and has not passed any other Bill on the subject:"

That in the year One thousand eight hundred and thirty-six, during the second session of the Twelfth Parliament, a Bill embodying similar principles to those repeatedly passed by the House of Assembly was again introduced, and was carried on a division by a majority of 35 to 5: That the said Bill was amended in the Legislative Council by expunging all the enacting clauses, and substituting provisions for investing the Reserves in the Crown, to be applied for the maintenance of Public Worship and the support of Religion: That the House of Assembly adopted by a majority of 27 to 1, certain amendments to the amended Bill sent down by the

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Legislative Council affirming the principles of their original Bill:

That during the same session, a Despatch from Lord Glenelg, His Majesty's Principal Secretary of State for the Colonies, to Lieutenant Governor Sir Francis

Head, was communicated to the House, in which His Lordship treated the question as one to be settled by the Provincial Legislature, and declined to interfere with the deliberations of the Legislature by offering any suggestions of his own:

That the Twelfth Parliament having been dissolved by Sir Francis Head, a general election was held at a period of great excitement, and the question of the disposal of the Clergy Reserves appears to have been lost sight of during the political struggle which ensued: That during the first three sessions of the Thirteenth Parliament, various efforts were made to settle the question, but without any satisfactory result: That at length, in the course of the third session, a Bill which had passed the Legislative Council providing for the reinvestment of the said Reserves in the Imperial Parliament, was concurred in by a majority of 22 to 21:

That in the year One thousand eight hundred and thirty-nine, during the fifth and last session of the last Parliament of Upper Canada, a Message was sent down to the House from the Governor General, the Right Honorable C. P. Thomson, by which the House was informed that the Bill passed during the previous session had not received the Royal Assent, there being an insuperable objection to it on a point of form: That His Excellency stated, moreover, that in the opinion of His Majesty's Government, the Provincial Legislature would bring to the decision of the question an extent of accurate information as to the wants and general opinions of society in this Country in which the Imperial Parliament is unavoidably deficient:

That another attempt at settlement was made during the last session of the Parliament of Upper Canada, when a Bill passed both Houses providing for the sale and disposal of the Clergy Reserves, which Bill having been reserved for the Royal Assent was not assented to by Her Majesty;

The House divided upon each paragraph: and the names being called for, they were taken down as in the last preceding division.

The House agreed that the same division should apply to the next 23 Resolutions.<sup>237</sup>

The first twenty-three introductory Resolutions ... were then put, and carried by a majority of 52 to 18.<sup>238</sup>

(86)

So it was resolved in the Affirmative.

The Honorable Mr. Price moved, seconded by the Honorable Mr. Hincks, and the Question being put, That on Her Majesty's decision to withhold the Royal Assent from the said Bill, Her Majesty's Government submitted to the Imperial Parliament a Bill providing for the sale and distribution of the proceeds of the Clergy Reserves, which so far from settling this long agitated question has left it to be the subject of renewed and increased public discontent;

The House divided: and the names being called for, they were taken down, as follow:--

YEAS.

Messieurs Armstrong, Attorney General Baldwin, Bell, Boulton of NORFOLK, Bouthillier, Burritt, Cameron of KENT, Cartier, Chauveau, Davignon, DeWitt, Solicitor General Drummond, Duchesnay, Dumas, Flint, Fortier, Fourquin, Guillet, Hall, Hincks, Holmes, Hopkins, Jobin, Johnson, Lacoste, Attorney General LaFontaine, Laurin, Lemieux, Lyon, Solicitor General Macdonald, Marquis, McConnell, McFarland, Merritt, Méthot, Mongenais, Morrison, Notman, Papineau, Polette, Price, Richards, Ross, Sanborn, Sauvageau, Scott of TWO MOUNTAINS, Smith of DURHAM, Smith of WENTWORTH, Taché, Thompson, and Wilson.--(51.)

NAYS.

Messieurs Badgley, Cameron of CORNWALL, Cauchon, Cayley, Chabot, Christie,



Crysler, Gugy, LaTerrière, Macdonald of KINGSTON, Sir Allan N. MacNab, McLean, Prince, Robinson, Seymour, Sherwood of BROCKVILLE, Sherwood of TORONTO, Smith of FRONTENAC, Stevenson, and Viger.--(20.)

So it was resolved in the Affirmative.

The Honorable Mr. Price moved, seconded by the Honorable Mr. Hincks, and the Question being put, That apart from the objections entertained by the great majority of Her Majesty's subjects in Canada to Religious endowments, by which certain favored denominations of Christians are kept in connection with the State, and thereby placed in a position of superiority over others, the present disposition of the revenue derived from the Clergy Reserves investments is manifestly unjust;

The House divided: and the names being called for, they were taken down, as follow;--

#### YEAS.

Messieurs Armstrong, Attorney General Baldwin, Bell, Boulton of NORFOLK, Bouthillier, Burritt, Cameron of KENT, Cariter, Davignon, DeWitt, Solicitor General Drummond, Dumas, Flint, Fortier, Fourquin, Hall, Hincks, Hopkins, Jobin, Johnson, Lacoste, Attorney General LaFontaine, Lemieux, Lyon, Solicitor General Macdonald, Marquis, McConnell, McFarland, Merritt, Mongenais, Morrison, Notman, Papineau, Polette, Price, Richards, Ross, Sanborn, Sauvageau, Scott of BYTOWN, Scott of TWO MOUNTAINS, Smith of DURHAM, Smith of WENTWORTH, Thompson, and Wilson.--(45.)

#### NAYS.

Messieurs Badgley, Boulton of TORONTO, Cameron of CORNWALL, Cauchon, Cayley, Chabot, Chauveau, Christie, Crysler, Duchesnay, Gugy, Guillet, LaTerrière, Laurin, Macdonald of KINGSTON, Sir Allan N. MacNab, McLean, Méthot, Prince, Robinson, Seymour, Sherwood of BROCKVILLE, Sherwood of TORONTO, Smith of FRONTENAC, Stevenson, Taché, and Viger.--(27.)

So it was resolved in the Affirmative.

The Honorable Mr. Price moved, seconded by the Honorable Mr. Hincks, and the Question being proposed, That the entire revenue derived from the investments made before the passing of the Imperial Act 3 & 4 Vic. c. 78, has been assigned to the Churches of England and Scotland, to the exclusion of the Wesleyan, Episcopal and New Connexion Methodist, the Free Presbyterian Church of Canada, the United Presbyterian Church, the Baptists, Congregationalists, and other Religious Bodies whose Pastors have an equal claim to the designation of a Protestant Clergy with those of the Clergy of the Churches of England and Scotland.

MR. W. BOULTON (of Toronto) said he should move an amendment.<sup>239</sup> Of the thirty petitions before the House, no less than eleven had been introduced by the mover of the Resolutions; and while the members of the administration differed from each other, as to their view of the question, there was the greatest diversity in the different petitions, the greater number of which, however, were opposed to the manner in which the Commissioner of Crown Lands had proposed to settle the question. Although the subject of the Clergy Reserves had been agitated during the last thirty years, and had been the principal means of getting up political excitement, he inferred from the small number of petitions which had been presented, and from the fact that the entire number of names appended to the whole of them amounted to only three hundred, that agitation had decreased, and that the people generally felt but little interest in the question; fortunately, when it was considered that from the ten Districts into which Upper Canada is divided, there are but three from which there are more than one petition, although it was known three months since that the subject would be brought up for discussion; and, although every newspaper, over which the Government exercised any control, had been employed for the purpose of getting up an excitement.<sup>240</sup> He saw no use in



appealing to the Home Government if we had power to legislate on our own affairs, as Lord John Russell had lately declared. He should therefore move a resolution which would, if granted, give us power to settle the Clergy Reserve and every other question.<sup>241</sup>

COL. PRINCE seconded the motion.<sup>242</sup> The leaders on the opposite side of the House as usual sat still, and did not condescend to reply to arguments that are advanced in support of measures of which they do not approve; but before he (Mr. Prince) concluded, both the Attornies General, if he were not mistaken, would find it necessary to reply to the remarks which he should make. He thought the Ministry should come out and express their opinion, and not crush a measure by the weight of their majority. He said he was almost alone in supporting the motion of the hon. member for Toronto, but he did so because he conceived it to be the first step towards<sup>243</sup> that for which he had introduced a petition, viz., independence.<sup>244</sup> The Administration were so bound down, that they could not deal with the question of the Clergy Reserves as a Cabinet measure, and the Attorney General West had been seen voting against his conscience. He had never seen that learned gentleman boggle as he did, when he denied that he was the delegate from the Riding which he represents. He (Mr. P.) thanked the Attorney General East for his speech on this occasion, which was the more acceptable as coming not only from a lawyer, but a statesman. He had told the house, and he had told them truly, that the Rectories could not be interfered with, and that the Act of Parliament was not final or conclusive. The members of the Government, he said, might succeed by means of their majority, in carrying the Resolutions, but the decision would have no weight when it went home. And much as he despised the present administration in England, he trusted that neither the Ministry nor the people of England would disturb the Clergy Reserves, in consequence of a representation coming, as it did from a mere board of advice in this country. He repeated that the tendency of the amendment, which had just been proposed, was the first step towards independence. He was desirous of depriving England of all power in this Colony, except that of appointing the Governor General; and if she was so desirous of ruling here, let her pay his Excellency's salary. Persons equally competent could be found in this country to fill the situation of one who is a mere puppet in the hands of the Ministry<sup>245</sup> who moved as the strings were pulled<sup>246</sup>, whom he charged with being republicans in their hearts, if they dared express their sentiments; but a thousand a year was too agreeable an object to be relinquished in that way. He (Mr. P.) contended that the people of the Province should govern themselves, with the consent of the Sovereign and the sanction of Parliament<sup>247</sup>. He concluded by saying that sooner or later the principle of that resolution would prevail in this country, and that until<sup>248</sup> it became independent, it would continue a mean, poor, and contemptible colony.<sup>249</sup>

MR. COM. CR. LANDS PRICE rose amid loud cries of "question," divide," from the opposition.<sup>250</sup>

MR. MORIN the SPEAKER ... succeeded in restoring order.<sup>251</sup>

MR. COM. CR. LANDS PRICE said that he owed it as a duty to himself to answer some of the numerous attacks made on him. On the one hand he was accused of acknowledging "vested rights" which never existed, on the other it was said that he was sacrificing rights which had been rendered sacred by the Imperial Act. Some said that he was actuated by a desire to gain a little popularity, while others asserted that the voice of the people did not support him, as there were but thirty or forty petitions in favour of these resolutions, and at the same time they admitted that it was a popular measure in the country, (hear,) and to wind up all, he was accused of betraying his party, and sacrificing all his for-

mer opinions. The question had been so ably and fully discussed that he would not take up the time of the House with it any longer, but content himself with replying to the objections urged against the resolution. Hon. gentlemen had asked him what he intended to do with these Reserves after they were placed within the reach of Parliament? In reply he would say, that he intended to devote them to educational purposes, but his object was in the first place to get them into their power, and he would not pledge himself to any particular line of conduct, for it was impossible to say what influences might be brought to bear on his mind by the time their request was granted. As to the charge of want of sincerity, on his part, because this was not made a Government question, he did not think it worthy of a reply, but when an hon. gentleman brought forward a motion for an unconditional surrender of the Reserves, and appeared inclined to blame him because he did not go as far as that honourable gentleman was prepared to go; he would ask those who knew how he had fought this battle for years, if they believed that he would now go to England with a measure which he knew would not succeed? Would any man say--did any man dare to tell him that he was a traitor, because he had inserted a clause to preserve the rights of the present Incumbents? They should remember that the English Parliament always paid the utmost attention to vested rights. They should remember that this question had been referred by the Provincial Legislature to the Imperial Parliament; that their decision had been known for ten years, and that if they now went there with an address for an unconditional surrender without a reservation of the rights which they would hold sacred, the consequence would be a feeling of alarm and distrust which would, very possibly cause the object for which he laboured to be defeated. He therefore desired to approach the English Parliament with the most soothing language, and to convince it that he desired nothing more than an equitable settlement, without having any intention of doing any one a wrong. He was not afraid to look the people of Canada in the face and tell them what he had done. He was not afraid to tell them that in order to obtain possession of this vast endowment, he consented to maintain to the present incumbents the pittance which they now enjoyed, for he was confident that not a single man would condemn him for doing so. (Hear, hear.) He was asked why he had not brought in a bill to effect this object. That question had been so satisfactorily answered that it was not necessary for him to say one word respecting it; but he would say that if every man he was accustomed to act with, had insisted on his stultifying himself by bringing in a bill to repeal an Imperial Act, he would at once tell them he would not; that he would not take a course which the English Judges had decided would be of no effect even if the bill were to receive the Royal Assent. Would not such a bill, if it contained only a single clause, immediately revive the whole question in the Imperial Parliament, and what need they expect if that were done in a house of Lords almost entirely composed of members of the English Church, with a Bench of Bishops belonging to that Church, and a House of Commons--five hundred of whose members belonged to the same persuasion? Hon. gentlemen well knew what would be the effect of such a proceeding, and yet they insisted, on bringing in a bill to demand the reinvestment of the Reserves, and at the same time deprive the present incumbents of their recognized rights. He warned those hon. gentlemen who belonged to his party, that if they were really anxious for the public good, they should not take such a course as would be condemned by the sound sense of the people of Upper Canada at the next elections.--The hon. gentleman then read the letter which he had sent to the Press some time back, stating that there was no difficulty between himself and the other members of the Cabinet on the Clergy Reserve question. That letter had brought on him the vengeance of one of the papers published in this City, which had previously complimented him very highly as the most liberal member in the Cabinet, and attempted to make it appear that



his hon. friend the Attorney General West, was opposed to an equitable settlement of the question. Now the statements he made in that letter were every one facts. The Attorney General West he was convinced was always opposed to the Act now in force, and was prepared to support an address to bring the Reserves again under the control of the House, and his impression until he came to Toronto was, that it would be made a Government measure, for it had never been mooted in the Cabinet, and he was not aware of the difficulties which were subsequently found to prevent their taking that step. But with regard to the negotiations which the hon. member for Kent insisted they ought to have entered into.--Why did not that hon. gentleman bring the question before the Council? Why did he not insist on its being commenced? Why did he not resign on that question if the Cabinet refused to introduce it? The fact was, instead of his (Mr. Price's) opinion being changed, that honourable gentleman who considered the question settled, who was opposed to a re-investment, who thought it was a troublesome question well got rid of, was actually the party who had changed. Any person who knew the difficulties brought on the Government by the burning of the Parliament House, who knew the difficulties the Imperial Government encountered in settling the exciting question brought under their notice, and on which they had only obtained a majority of three, who knew that their own lives were scarcely worth twenty-four hours purchase (laughter from the opposition) surely would not suppose that was a proper time for negotiation. Nevertheless, the hon. member for Kent, who while a member of the Government had never to his knowledge spoken of the subject, said that they ought not only to have negotiated, but they ought to have brought in a Bill to repeal the Act of the Imperial Parliament--he who had approved of referring this question to the Imperial Parliament, a course which he (Mr. Price) had opposed with all the influence which he possessed. The hon. member for Cornwall tried to show that the support which the Church received in the United States was of the greatest benefit to the community. He ought also to have shown the effects of the voluntary system, and then he would have seen that the English and Dutch Reformed Church, which alone are supported by endowments, are the least in point of numbers; the other Churches, supported by voluntary contributions, are daily increasing in numbers and usefulness. The hon. gentleman had also alluded to the French Revolution, and the infidelity which followed it. He might also have shown that the infidelity which overspread France was gendered by the Union of Church and State, the one corrupting the other; whereas, if they had been separate, the Revolution perhaps would never have taken place, and both Church and State would have remained intact. Let him look at the Scottish church. Five or six hundred pastors had broken the chain thrown around them, refused to receive public support, and had since received from voluntary contributions the enormous sum of two millions one hundred thousand pounds. There was one feature in the Imperial Act which was a direct violation of the Provincial Statute on which it was said to be based. The Provincial Statute enabled those religious bodies who refused to receive support for religious purposes, to employ the share allotted to them for education. The Imperial Act set that aside, and directed the funds to be devoted to the support of religion alone, violating the Provincial Act, and preventing those bodies from receiving those funds to which they were entitled. The Rectory question was utterly distinct, and he would be satisfied for the present if he could succeed in obtaining possession of the Reserves.<sup>252</sup> He spoke until a late hour, and was frequently interrupted with cries of "dispense," "question," "that will do," "another time," &c.<sup>253</sup> The cries of the opposition which ... interrupted Mr. Price and rendered it sometimes impossible to hear him distinctly, were at this point so vociferous that he gave way.<sup>254</sup>

MR. M. CAMERON, Kent, was received with a continuation of the same noises, but he said he had a good constitution, and he would stand there until ten o'clock the next day.<sup>255</sup>



COL. PRINCE implored and conjured the hon. member as his dear and personal friend (loud laughter) to allow the vote to be taken.<sup>256</sup>

MR. M. CAMERON, having been allowed to proceed, said that it was impossible for him to know that the government was not sincere in the pledge it gave last session. He had been told that the time to take the question up had not then arrived, and he had assented to that, but now was it possible for him to know that there was any difference of opinion among the members of the Cabinet when the Commissioner of Crown Lands admitted that he had himself written a letter stating that there were no difficulties in existence. He insisted that he had always shown a desire to see this measure taken up, and had offered to resign on it with the Commissioner of Crown Lands. He need not appeal to the country, he need only appeal to the journals of the House, which would prove that in every division his vote was in favour of applying the Reserves to educational purposes, even against the interests of his own church, and after he opposed the Attorney General's project of referring this question to the Imperial Parliament, he received letters from all parts of the country approving of his conduct. He enquired of Mr. Prince whether he had not, in reply to a question at the meeting in the West last year,<sup>257</sup> along with the member for Montmorency,<sup>258</sup> stated that the question was not settled in his opinion? That was before he left the Government, and was it fair, was it truthful to bring against him now such charges as those made by the Commissioner of Crown Lands? He had not slandered or calumniated that hon. gentleman to every one that came in his way. He would not say how he had been treated in that respect. All he desired was to maintain his own opinions.<sup>259</sup>

COL. PRINCE, after standing on the floor for some moments amid loud cries of "spoke," "spoke," "dispense," "dispense," &c., said that he endorsed every word of the honorable member from Kent.<sup>260</sup>

The cries of "question," "put the motion," which were repeated from time to time, here became still more uproarious (sic).<sup>261</sup>

(86)

*Mr. Boulton of Toronto moved in amendment to the Question, seconded by Mr. Prince, That all the words after "That" to the end of the Question be left out, in order to add the words "an humble Address be presented to Her Majesty, praying that She will recommend to the Imperial Parliament such an amendment of our Constitution as will secure to Her Majesty's Canadian subjects the rights and power of legislating for the welfare of Canada on all matters of an internal and social character, as fully and effectually as is enjoyed by Her Majesty's subjects in Great Britain, within the limits of the British Isles;"*

*And the Question being put on the Amendment; the House divided: and the names being called for, they were taken down, as follow:--*

YEAS.

*Messieurs Boulton of TORONTO, Christie, McConnell, and Prince.--(4.)*

NAYS.

*Messieurs Armstrong, Badgley, Attorney General Baldwin, Bell, Bouthillier, Burritt, Cameron of CORNWALL, Cameron of KENT, Cartier, Cauchon, Cayley, Chabot, Chauveau, Crysler, Davignon, DeWitt, Solicitor General Drummond, Duchesnay, Flint,*

(87)

*Fortier, Gugu, Guillet, Hall, Hincks, Holmes, Hopkins, Jobin, Johnson, Lacoste, Attorney General LaFontaine, LaTerrière, Laurin, Lemieux, Lyon, Solicitor General Macdonald, Macdonald of KINGSTON, Sir Allan N. MacNab, McFarland, McLean, Merritt, Méthot, Mongenais, Morrison, Notman, Papineau, Polette, Price, Richards, Robinson, Ross, Sanborn, Sauvageau, Scott of BYTOWN, Scott of TWO MOUNTAINS, Seymour, Sher-*

wood of BROCKVILLE, Sherwood of TORONTO, Smith of DURHAM, Smith of FRONTENAC, Smith of WENTWORTH, Stevenson, Taché, Thompson, Viger, and Wilson.--(65.)

*So it passed in the Negative.*

Then the main Question being put; the House divided: and the names being called for, they were taken down, as follow:--

#### YEAS.

Messieurs Armstrong, Attorney General Baldwin, Bell, Bouthillier, Burritt, Cameron of KENT, Cartier, Chauveau, DeWitt, Solicitor General Drummond, Duchesnay, Dumas, Flint, Fortier, Hall, Hincks, Holmes, Hopkins, Jobin, Johnson, Lacoste, Attorney General LaFontaine, Laurin, Lemieux, Lyon, Solicitor General Macdonald, McConnell, McFarland, Merritt, Méthot, Mongenais, Morrison, Notman, Papineau, Polette, Price, Richards, Ross, Sanborn, Sauvageau, Scott of BYTOWN, Scott of TWO MOUNTAINS, Sherwood of TORONTO, Smith of DURHAM, Smith of WENTWORTH, Taché, Thompson, and Wilson.--(48.)

#### NAYS.

Messieurs Badgley, Cameron of CORNWALL, Cauchon, Cayley, Chabot, Christie, Crysler, Gagy, LaTerrière, Macdonald of KINGSTON, Sir Allan N. MacNab, McLean, Prince, Robinson, Seymour, Sherwood of BROCKVILLE, Smith of FRONTENAC, Stevenson, and Viger.--(19.)

*So it was resolved in the Affirmative.*

The Honorable Mr. Price moved, seconded by the Honorable Mr. Hincks, and the Question being put, That it appears from the facts above stated, that during a long period of years, and in nine successive sessions of the Provincial Parliament, the Representatives of the People of Upper Canada, with an unanimity seldom exhibited in a deliberative body, declared their opposition to Religious endowments of the character above referred to: That the wishes of the people were thwarted by the Legislative Council, a body containing a majority avowedly favorable to the ascendancy of the Church of England: That Her Majesty's Imperial Government, from time to time, invited the Provincial Parliament to legislate on the subject of these Reserves, disclaiming on the part of the Crown any desire for the superiority of one or more particular Churches: That Her Majesty's Government in declining to advise the Royal Assent being given to a Bill passed by a majority of one, for investing the Reserves in the Imperial Parliament, admitted that from its accurate information as to the wants and general opinions of society, in which the Imperial Parliament was unavoidably deficient, the question could be more satisfactorily settled by the Provincial Legislature: That subsequently to the disallowance of the last mentioned Bill, the Imperial Parliament passed an Act disposing of the proceeds of the Clergy Reserves in a manner entirely contrary to the formerly repeatedly expressed wishes of the Upper Canadian People, as declared through their Representatives, and acknowledged as such in a Message sent to the Provincial Parliament by His Majesty's command:

The House divided: and the names being called for, they were taken down, as follow:--

#### YEAS.

Messieurs Armstrong, Attorney General Baldwin, Bell, Bouthillier, Burritt, Cameron of KENT, Cartier, Chauveau, DeWitt, Solicitor General Drummond, Duchesnay, Dumas, Flint, Fortier, Hall, Hincks, Holmes, Hopkins, Jobin, Johnson, Lacoste, Attorney General LaFontaine, Laurin, Lemieux, Lyon, Solicitor General Macdonald, McConnell, McFarland, Merritt, Méthot, Mongenais, Morrison, Notman, Papineau, Polette, Price, Richards, Ross, Sanborn, Sauvageau, Scott of BYTOWN, Scott of TWO MOUNTAINS, Smith of DURHAM, Smith of WENTWORTH, Taché, Thompson, and Wilson.--(47.)



## NAYS.

Messieurs Badgley, Cameron of CORNWALL, Cauchon, Cayley, Chabot, Christie, Crysler, Gugy, LaTerrière, Macdonald of KINGSTON, Sir Allan N. MacNab, McLean, Prince, Robinson, Seymour, Sherwood of BROCKVILLE, Sherwood of TORONTO, Smith of FRONTENAC, Stevenson, and Viger.--(20.)

So it was resolved in the Affirmative.

The Honorable Mr. Price moved, seconded by the Honorable Mr. Hincks, and the Question being put, That it is the opinion of this House, that the legal or constitutional impediments which stood in the way of Provincial Legislation on this subject, should have been removed by an Act of the Imperial Parliament, but that the appropriation of revenues derived from the investment of the proceeds of the Public Lands of Canada by the Imperial Parliament, will never cease to cause discontent to Her Majesty's loyal subjects in this Province;

The House divided: and the names being called for, they were taken down as in the last preceding division.

So it was resolved in the Affirmative.

MR. COM. CR. LANDS PRICE moved that the words "private individuals or religious bodies" should be struck out of the 29th Resolution and that it should pass thus amended.<sup>262</sup>

MR. H. SHERWOOD required an explanation from the hon. gentleman of the reasons which induced him to strike out the words, which, in reality, formed the principle on which the resolution was founded.<sup>263</sup>

MR. COM. CR. LANDS PRICE thought the resolution complete without it.<sup>264</sup>

MR. H. SHERWOOD objected that no notice had been given of this alteration, which was a material one.<sup>265</sup>

MR. COM. CR. LANDS PRICE said he had been waited on by several influential gentlemen of Toronto requesting him to strike out those words, as they were liable to misconstruction.<sup>266</sup>

MR. INSP. GEN. HINCKS explained, that a meaning had been given to these words<sup>267</sup> by the member for Toronto<sup>268</sup> that Mr. Price had not intended; and one reason for altering the resolution was, that several influential gentlemen of this city had called upon his hon. friend for an explanation of these words, and had been perfectly satisfied, but the construction put upon them by gentlemen opposite showed they ought to be struck out.<sup>269</sup>

SIR A. MACNAB said that showed they ought not to be struck out.<sup>270</sup>

(87)

The Honorable Mr. Price moved, seconded by the Honorable Mr. Hincks, and the Question being proposed, That this House is of opinion, that when all the circumstances connected with this question are taken into consideration, no Religious denomination can be held to have such vested interest in the revenue derived from the proceeds of the said Clergy Reserves as should prevent further Legislation with reference to the disposal of them, but this House is nevertheless of opinion that the claims of existing Incumbents should be treated in the most liberal manner;

Mr. Morrison moved in amendment to the Question, seconded by Mr. Flint, That all the words after "opinion" to the end of the Question be left out, in order to add the words "the most liberal, proper and satisfactory mode of settling this long agitated question, would be for the British Parliament to pass an Act repealing the Imperial Act 3 & 4 Vic. c. 78; and for the purpose of obtaining that desirable object, that an humble Address be presented to Her Most Gracious Majesty The Queen, praying that Her Majesty will be graciously pleased to recommend to



Parliament a measure for the repeal of the Imperial Act aforesaid, and for placing at the disposal of the Canadian Legislature the Lands commonly called the Clergy Reserves, and the proceeds derived from the sales of such Lands and the revenues arising from investments of such proceeds;"

COL. GUGY rose to ask if there were to be any more debating.<sup>271</sup>

COL. PRINCE said oh, no! for God's sake not!--Let us have no more of the clergy reserves. Let us commit them to the tomb of all the Capulets.<sup>272</sup>

MR. J. SCOTT (Bytown) rose to defend himself from the attack of the Inspector General the other evening. The Inspector General had stated that he (Mr. S.) had misrepresented the hon. Attorney General. If such had been the case the proper course would have been for the hon. gentleman to have got up and stated it. He (Mr. S.) would not willingly make misrepresentations. But that would not have suited the hon. Inspector General, who wanted some one to vent his temper upon.--The honble. Inspector General had stated that he (Mr. Scott) wanted to go about the country to make political capital, when he knew that he (Mr. S.) had desired to resign, but his constituents refused to receive his resignation.<sup>273</sup> He was well known to be a firm supporter of the Administration, but there were many points in their policy from which he dissented in toto, and, on the present occasion, he found it impossible to support them.<sup>274</sup> He denied that he was a Clear Grit, although he approved of some of their doctrines.<sup>275</sup> If ever he had the misfortune to sit there another Parliament which he never meant to do under any circumstances, he<sup>276</sup> prayed that the ministry he should support would be<sup>277</sup> blessed with an Inspector General who possessed a better temper<sup>278</sup> than the present one.<sup>279</sup>

(87)

And the Question being put on the Amendment; the House divided: and the names being called for, they were taken down, as follow:--

YEAS.

Messieurs Burritt, Cameron of KENT, Cauchon, Chabot, DeWitt, Duchesnay, Flint, Guillet, Hall, Holmes, Hopkins, Laurin, McConnell, McFarland, Méthot, Morrison, Notman, Papineau, Sanborn, Scott of BYTOWN, Smith of DURHAM, Smith of WENTWORTH, and Thompson.--(23.)

NAYS.

Messieurs Armstrong, Badgley, Attorney General Baldwin, Boulton of TORONTO, Bouthillier, Cameron of CORNWALL, Cartier, Cayley, Chauveau, Christie, Crysler,

(88)

Davignon, Solicitor General Drummond, Dumas, Fortier, Gugu, Jobin, Lacoste, Attorney General LaFontaine, LaTerrière, Lemieux, Lyon, Solicitor General Macdonald, Macdonald of KINGSTON, Sir Allan N. MacNab, McLean, Merritt, Mongenais, Polette, Prince, Richards, Robinson, Ross, Scott of TWO MOUNTAINS, Seymour, Sherwood of BROCKVILLE, Sherwood of TORONTO, Smith of FRONTENAC, Stevenson, Taché, Viger, and Wilson.--(42.)

So it passed in the Negative.

Then the main Question being put; the House divided: and the names being called for, they were taken down, as follow:--

YEAS.

Messieurs Attorney General Baldwin, Bell, Bouthillier, Burritt, Cartier, Davignon, DeWitt, Solicitor General Drummond, Dumas, Flint, Fortier, Hall, Hincks, Holmes, Johnson, Lacoste, Lemieux, Lyon, Solicitor General Macdonald, McConnell, McFarland, Merritt, Mongenais, Morrison, Notman, Papineau, Price, Richards, Ross, Sanborn, Sauvageau, Scott of TWO MOUNTAINS, Smith of DURHAM, Smith of WENTWORTH,

Taché, and Thompson.--(36.)

NAYS.

Messieurs Armstrong, Badgley, Boulton of TORONTO, Cameron of CORNWALL, Cameron of KENT, Cauchon, Cayley, Chabot, Chauveau, Christie, Crysler, Duchesnay, Gugy, Guillet, Hopkins, Jobin, Attorney General LaFontaine, LaTerrière, Laurin, Macdonald of KINGSTON, Sir Allan N. MacNab, McLean, Méthot, Polette, Prince, Robinson, Scott of BYTOWN, Seymour, Sherwood of BROCKVILLE, Sherwood of TORONTO, Smith of FRONTENAC, Stevenson, Viger, and Wilson.--(34.)

So it was resolved in the Affirmative.

The Honorable Mr. Price moved, seconded by the Honorable Mr. Hincks, and the Question being proposed, That in the opinion of this House, the most liberal and equitable mode of settling this long agitated question, would be for the Imperial Parliament to pass an Act providing that the stipends and allowances heretofore assigned and given to the Clergy of the Church of England and Scotland, or to any other Religious bodies or denominations of Christians in Canada, and to which the faith of the Crown is pledged, shall be secured during the natural lives or incumbencies of the parties now receiving the same, on the same principle that was adopted in the third section of an Act passed in the third and fourth years of Her Majesty's Reign, chapter seventy-eight; and that subject to this provision, the Provincial Parliament should be authorized to appropriate as in its wisdom it may think proper, all revenues derived from the present investments or from those to be made hereafter, whether from the proceeds of future sales or from instalments on those already made;

COL. PRINCE asked the Commissioner of Crown Lands whether he was sincere in proceeding, after what had just taken place. He had only carried the last resolution by a majority of two, and if all the members were in their places it would have been lost<sup>280</sup>. Four members<sup>281</sup>, viz:--Messrs. Dickson, Malloch, H.J. Boulton and Meyers<sup>282</sup>, were absent, who, if they had been present then, and ought to have been, would have voted in the negative, and the resolution would consequently have been lost.<sup>283</sup> The Hon. Gentleman surely knew what their feelings were.<sup>284</sup>

A member from the Ministerial Benches--"Mr. Boulton has not said how he would vote." (Hear, hear.) Mr. Ferguson and Mr. Perry are absent. (Hear, hear.)<sup>285</sup>

COL. PRINCE.--Why Mr. Boulton would oppose the motion. "No, no." "Yes, yes."<sup>286</sup> He would ask the hon. member if in the face of that fact he would insult the people of Upper Canada by going on with his narrow-minded, abominable resolutions?<sup>287</sup> He called on the Hon. Gentleman to drop the resolutions.<sup>288</sup>

MR. INSP. GEN. HINCKS said the Address would not be put that night.<sup>289</sup>

(88)

Mr. Gugy moved, seconded by Mr. Christie, and the Question being put, That the further consideration of the said Question be postponed until Monday next, and be then the first Order of the day; the House divided:--And it passed in the Negative.

SIR A. MACNAB had supposed that this was merely a sham fight, for the purpose of pleasing their constituents. On looking at the division, he found<sup>290</sup> there were just thirty-six Upper Canadian votes given--eighteen on each side<sup>291</sup> and yet this was to be called an expression of opinion from Upper Canada! Several Upper Canada members were absent who would have voted against it.<sup>292</sup> Did the Hon. Member mean to go further with his majority of two Lower Canadian votes?<sup>293</sup> He really thought, as hon. gentlemen had gained their object by amusing their constituents, the thing would go no further.<sup>294</sup> He congratulated the hon. members in having lighted the flames of discord again in the country. He thought they



had better go on with their Address and not take up any more time.--295

MR. AT. GEN. LAFONTAINE considered that it did credit to his head and to his heart.<sup>296</sup>

MR. INSP. GEN. HINCKS denied that there was any sham in the matter, and mentioned several absent members who would have voted in favour of the resolution.<sup>297</sup> ((He)) hoped that the attention of the country would be called to the fact, that the Hon. Member for Halton had voted against the wishes of his constituents, by opposing the resolutions. No doubt the Hon. Gentleman would endeavour to excuse himself by saying they did not go far enough. (Cheers, and counter cheers.)<sup>298</sup>

MR. HOPKINS was fully prepared to bear all the responsibility the hon. gentleman threw on him. He relied on the dictates of his own heart and conscience, and the hon. gentleman might appeal to his constituents or not as he pleased. He had voted for four bills already to devote these Reserves for general education. If these Reserves had never been granted, a great deal of trouble and excitement in the country would have been prevented.

Whilst the hon. gentleman was speaking, the cheering and counter cheering were so vehement, that it was almost impossible to understand him.<sup>299</sup>

(88)

Then the main Question being put; the House divided: and the names being called for, they were taken down, as follow:--

#### YEAS.

Messieurs Armstrong, Attorney General Baldwin, Bell, Bouthillier, Burritt, Curtier, Cauchon, Chauveau, Davignon, DeWitt, Solicitor General Drummond, Dumas, Flint, Fortier, Hall, Hincks, Holmes, Jobin, Lacoste, Attorney General LaFontaine, Lemieux, Lyon, Solicitor General Macdonald, McConnell, McFarland, Méthot, Mongenais, Morrison, Notman, Papineau, Price, Richards, Ross, Sanborn, Sauvageau, Scott of TWO MOUNTAINS, Smith of DURHAM, Smith of WENTWORTH, Taché, and Thompson.--(40.)

#### NAYS.

Messieurs Badgley, Boulton of TORONTO, Cameron of CORNWALL, Cameron of KENT, Cayley, Chabot, Christie, Crysler, Duchesnay, Gugy, Guillet, Hopkins, Johnson, LaTerrière, Laurin, Macdonald of KINGSTON, Sir Allan N. MacNab, McLean, Polette, Prince, Robinson, Scott of BYTOWN, Seymour, Sherwood of BROCKVILLE, Sherwood of TORONTO, Smith of FRONTENAC, Stevenson, and Wilson.--(28.)

So it was resolved in the Affirmative.

The Honorable Mr. Price moved, seconded by the Honorable Mr. Hincks, and the Question being put, That it is the opinion of this House, that an humble Address should be presented to Her Most Gracious Majesty The Queen, praying that Her Majesty will recommend to Parliament a measure for the repeal of the Imperial Act 3 & 4 Vic. c. 78, and for the Canadian Legislature to dispose of the proceeds of the Clergy Reserves, subject to the authorizing the conditions above described;

The House divided: and the names being called for, they were taken down, as follow:--

#### YEAS.

Messieurs Armstrong, Attorney General Baldwin, Bell, Bouthillier, Burritt, Cartier, Cauchon, Chauveau, Davignon, DeWitt, Solicitor General Drummond, Dumas, Flint, Fortier, Guillet, Hall, Hincks, Holmes, Jobin, Johnson, Lacoste, Attorney General LaFontaine, Lemieux, Lyon, Solicitor General Macdonald, McConnell, McFarland, Méthot, Mongenais, Morrison, Notman, Papineau, Polette, Price, Richards, Ross, Sanborn, Sauvageau, Scott of BYTOWN, Scott of TWO MOUNTAINS, Smith of DURHAM, Smith of WENTWORTH, Taché, and Thompson.--(44.)



## NAYS.

Messieurs Badgley, Boulton of TORONTO, Cameron of CORNWALL, Cameron of KENT, Cayley, Chabot, Christie, Crysler, Duchesnay, Gugy, Hopkins, LaTerrière, Laurin, Macdonald of KINGSTON, Sir Allan N. MacNab, McLean, Prince, Robinson, Seymour, Sherwood of BROCKVILLE, Sherwood of TORONTO, Smith of FRONTENAC, Stevenson, and Wilson.--(24.)

So it was resolved in the Affirmative.

Resolved, That a Select Committee, composed of the Honorable Mr. Price, the Honorable Mr. Hincks, Mr. Richards, Mr. Cartier, and Mr. Morrison, be appointed to prepare and report the draught of an humble Address to Her Most Gracious Majesty, founded on the foregoing Resolutions.

Orders de-  
ferred.

Ordered, That the remaining Orders of the day be postponed until Monday next.

Then, on motion of Mr. Solicitor General Macdonald, seconded by Mr. Richards, The House adjourned until Monday next.

APPENDIX: 21 JUNE 1850.

((NOTICE OF MOTION RE: UNIVERSITY OF TORONTO'S CHARTER.))

MR. AT. GEN. BALDWIN ((gave notice of a)) bill to amend the Charter of the University of Toronto.<sup>300</sup>

((NOTICE OF MOTION RE: MEDICINE IN UPPER CANADA.))

MR. FLINT ((gave notice of a)) bill to restore to the people of Upper Canada the advantages of Medical Toleration.<sup>301</sup>

((NOTICE OF MOTION RE: LOWER CANADA AGRICULTURAL ACT.))

MR. TACHE ((gave notice of a)) bill to amend the Agricultural Act of Lower Canada.<sup>302</sup>

((NOTICE OF MOTION RE: LOWER CANADA'S SCHOOL LAW.))

MR. MCCONNELL ((gave notice of a)) committee of the whole on the School Law of Lower Canada.<sup>303</sup>

FOOTNOTES: 21 JUNE 1850.

1. The following papers reported the debate on this matter in identical accounts: BRITISH COLONIST, 25 June 1850, EXAMINER, 26 June 1850, and NORTH AMERICAN, 28 June 1850. The following papers reported the debate in partially identical accounts: HAMILTON SPECTATOR, 29 June 1850, and PILOT, 29 June 1850, copied from GLOBE, 25 June 1850. The debate was also reported by: MONTREAL GAZETTE, 26 June 1850; and PILOT, 27 June 1850, copied from MONTREAL HERALD, of unknown date. The debate was noted by PILOT, 25 June 1850, and PACKET, 29 June 1850, copied from PILOT. Commentaries appeared in NORTH AMERICAN, 25 June 1850; and KENT ADVERTISER, 27 June 1850.
2. HAMILTON SPECTATOR, 29 June 1850.
3. MONTREAL GAZETTE, 26 June 1850.
4. GLOBE, 25 June 1850.
5. MONTREAL GAZETTE, 26 June 1850.
6. HAMILTON SPECTATOR, 29 June 1850.
7. MONTREAL GAZETTE, 26 June 1850.
8. GLOBE, 25 June 1850.
9. BRITISH COLONIST, 25 June 1850.
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96. IBID.
97. MONTREAL GAZETTE, 26 June 1850.
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146. BRITISH COLONIST, 25 June 1850.
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149. HAMILTON SPECTATOR, 29 June 1850.
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229. BRITISH COLONIST, 25 June 1850.
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232. HAMILTON SPECTATOR, 29 June 1850.
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241. BRITISH COLONIST, 25 June 1850.
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246. MONTREAL GAZETTE, 26 June 1850.
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248. BRITISH COLONIST, 25 June 1850.
249. HAMILTON SPECTATOR, 29 June 1850.
250. IBID.
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253. MONTREAL GAZETTE, 26 June 1850.
254. HAMILTON SPECTATOR, 29 June 1850.
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258. MONTREAL GAZETTE, 26 June 1850.
259. HAMILTON SPECTATOR, 29 June 1850.
260. MONTREAL GAZETTE, 26 June 1850.
261. HAMILTON SPECTATOR, 29 June 1850.

262. IBID.
263. IBID.
264. BRITISH COLONIST, 25 June 1850.
265. IBID.
266. HAMILTON SPECTATOR, 29 June 1850.
267. BRITISH COLONIST, 25 June 1850.
268. HAMILTON SPECTATOR, 29 June 1850.
269. BRITISH COLONIST, 25 June 1850.
270. IBID.
271. MONTREAL GAZETTE, 26 June 1850.
272. IBID.
273. IBID. According to BRITISH COLONIST, 25 June 1850, he spoke "rather bitterly."
274. HAMILTON SPECTATOR, 29 June 1850.
275. MONTREAL GAZETTE, 26 June 1850.
276. HAMILTON SPECTATOR, 29 June 1850.
277. MONTREAL GAZETTE, 26 June 1850.
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280. HAMILTON SPECTATOR, 29 June 1850.
281. BRITISH COLONIST, 25 June 1850.
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283. BRITISH COLONIST, 25 June 1850.
284. HAMILTON SPECTATOR, 29 June 1850.
285. IBID.
286. IBID.
287. MONTREAL GAZETTE, 26 June 1850.
288. HAMILTON SPECTATOR, 29 June 1850.
289. MONTREAL GAZETTE, 26 June 1850.
290. BRITISH COLONIST, 25 June 1850.
291. HAMILTON SPECTATOR, 29 June 1850.
292. BRITISH COLONIST, 25 June 1850.
293. HAMILTON SPECTATOR, 29 June 1850.
294. BRITISH COLONIST, 25 June 1850.
295. MONTREAL GAZETTE, 26 June 1850.
296. IBID.
297. BRITISH COLONIST, 25 June 1850.
298. HAMILTON SPECTATOR, 29 June 1850.
299. IBID.
300. PILOT, 25 June 1850.
301. IBID.
302. IBID.
303. IBID., which noted that these notices were only some of the sixty-two presented on this day.

MONDAY, 24 JUNE 1850.

(88)

Petitions  
brought up.

THE following Petitions were severally brought up, and laid on the table:--

By Mr. Johnson,--The Petition of Thomas Corcoran, of the Town of Bytown.

By Mr. Notman,--The Petition of the Municipality of the Township of Adelaide.

By Mr. Chauveau,--The Petition of George B. Faribault, Esquire, of the City of Quebec, President of the Literary and Historical Society of Quebec, on behalf of the said Society.

(89)

Petitions read.

Pursuant to the Order of the day, the following Petitions were read:--

Of Samuel B. Pelton, of the Township of Godmanchester, District of Montreal; complaining that he has sustained certain losses in consequence of the Government having issued two Patents for the same lot of land in the said Township, upon which he had settled and made improvements, and all which he was afterwards compelled at law to abandon, and praying relief.

Of G. O'Reilly and others, members of the Medical Profession in Hamilton; praying that the Bill for amending the Act incorporating the Montreal School of Medicine and Surgery be not passed into a Law.

Of the Conference of the Canadian Wesleyan Methodist New Connexion Church; praying that measures be adopted for the abolition of the Rectories and the appropriation of the proceeds thereof to general and useful purposes,--that the funds accruing from the Clergy Reserves be devoted to elementary Education,--and that the balance now accrued therefrom be distributed among the Common Schools under the control of the District Councils.

Of J. Huston, Compiler of the Répertoire National de Littérature Canadienne; praying encouragement to enable him to publish the Fourth Volume of the said Répertoire.

Of Martin MacKinnon, of the Township of Vaughan; representing that he became legally possessed as tenant of a Clergy Reserve Lot of Land in the said Township, whereon he settled and made improvements, and that the said Lot was afterwards granted as a Glebe Lot, whereby he is in danger of losing the value of his improvements and interest in the said Lot, and praying relief.

Of J. Dorion and others, of the Village of St. Ours, District of Montreal; praying for the repeal of the Act 10 & 11 Vic. c. 7, incorporating the said Village.

Of the Reverend William V. Lloyd, Minister, and others, Wardens and members of the Church of England at Leeds; praying that the privilege of granting Degrees in the Arts and in Divinity be extended to Bishop's College, and the annual grant to the said College be so increased as to place it upon an equal footing with similar institutions throughout the Province.

Of the Municipal Council of the County of York; praying for certain further amendments to the Municipal Corporations Act.

Of Alexander Buchanan, Chairman, on behalf of a public meeting of the inhabitants of the Township of Dumfries; praying that measures be adopted to obtain a repeal of the Imperial Act relating to the Clergy Reserve Lands, and that the funds accruing from the said Lands and the Rectories be appropriated to purposes of general Education.

Of the Reverend William Smith, Moderator, and Ziba W. Camfield, Clerk, on behalf of the Ministers and Messengers of the associated Baptist Churches composing the Grand River Association; praying that the Rectories be sold and the



proceeds appropriated to purposes of Education.

Of the Reverend William Smith, Moderator, and Ziba W. Camfield, Clerk, on behalf of the Ministers and Messengers of the associated Baptist Churches composing the Grand River Association; praying for the sale of the Clergy Reserve Lands and the appropriation of the proceeds thereof for purposes of Education.

Of the Municipality of the Township of Warwich, and of the Municipality of the Township of Humberstone; praying that the funds accruing from the Clergy Reserves and Rectories be appropriated to purposes of general Education.

Of the Reverend William Smith, Moderator, and Ziba W. Camfield, Clerk, on behalf of the Ministers and Messengers of the Baptist Churches composing the Grand River Association; praying for the abolition of labor on the Sabbath in the Postal Department of the public service.

Of Stephen S. Foster and others, Officers of Tent No. 26, Canada East, Tribe of Rechabites, on behalf of said Tent; and of J. Grégoire, Esquire, and others, of the Parish of St. Valentin, County of Huntingdon; praying that certain measures be adopted for the suppression of intemperance.

Of James Peters and others, of the Township of Eramosa, County of Waterloo; and of Henry Ramsay and others, of the Township of Eramosa, County of Waterloo; praying that the funds accruing from the Clergy Reserves and Rectories be appropriated to purposes of general education and improvement.

Of Jacob Bettschen, Townreeve, and others, Deputy Reeve and Councillors of the Township of Wilmot; praying to be set apart as a separate County.

Of F.C. Capreol, of the City of Toronto, Esquire; praying compensation for expenses incurred by him in the capture of the murderers of the late Thomas Kinnear, Esquire.

Of W.R. Abbott and others, colored inhabitants of the City of Toronto; praying that the Common School Bill now before the House may be amended, by striking out the words "colored people" from the nineteenth section thereof.

Of Louis Laplante and others, proprietors of Steam and other Ferry Boats having recourse to the Lower Town Market in the City of Quebec; representing the damage likely to result to them from the Corporation of the said City having taken possession of a certain Landing of which they have had the use,—the said Landing being Crown property, and praying for protection in the premises.

Petition of J. Huston;

Ordered, That the Petition of J. Huston, Compiler of the Répertoire National de Littérature Canadienne, be referred to the Select Committee appointed to assist Mr.

Speaker in the direction of the Library.

Of L. Marchand and others;

Ordered, That the Petition of Louis Marchand, Esquire, and others, of St. Johns, be referred to the Standing Committee on Railroads and Telegraph Lines.

Of Petitions on the subject of Intemperance.

Ordered, That the several Petitions on the subject of Intemperance, received by this House since the fifth of June instant, be referred to the Select Committee on the subject of Temperance.

Of Rimouski Municipality No. 1, referred.

Ordered, That the Petition of the Municipal Council of the Municipality Number one of the County of Rimouski, be referred to the Select Committee to which was referred the Petition of the Reverend F. Destroismaisons and

others, of the Parish of St. Germain de Rimouski, County of Rimouski.

Eighth Report  
of Committee  
on Standing  
Orders.

The Honorable Mr. Cameron of Kent, from the Standing Committee on Standing Orders, presented to the House the Eighth Report of the said Committee; which was read, as followeth:--

Your Committee have examined the Petition of the Montreal and Lachine Railroad Company, for authority to continue the said Railroad, and for the incorporation of the St. Lawrence and Ottawa Grand Junction Railroad Company; they find that notice has been duly published in the Canada Gazette, for the District of Montreal, but no proof has been shewn them of notice appearing in the Ottawa District papers, neither does it appear that any notices were affixed at the Church doors of Parishes; as, however, the Agent for the Petition-

(90)

ers (Mr. Coffin) has stated to Your Committee that an application from the Company, precisely similar to the present, notice of which was only published in the Canada Gazette, was received and entertained by Your Honorable House last Session, the notice being on that occasion considered sufficient, Your Committee would submit to Your Honorable House, whether it is desirable that the requirements of the 66th Rule should be strictly enforced in the present case.

Your Committee have also examined the Petitions of the Lake St. Louis and Province Line Railroad Company, and of the Montreal and Lachine Railroad Company, praying that they may be allowed to amalgamate their respective lines, and that the first named Company may be allowed to carry their line of Road to any point on the Province Line, either in Huntingdon or Beauharnois; Your Committee find that no notice whatever of this application has been given. With regard, however, to that part of the Petitions which relates to an amalgamation of the two lines of Road, Your Committee are of opinion that it does not require notice, and they would therefore respectfully recommend that the parties be allowed to proceed with that part of their application.

In the case of the Petition of N. Sparks and others, for an Act of Incorporation as the Bytown and Prescott Railroad Company, no notice whatever has been given.

The Petitions of L.A. Dessaulles and others, and Benjamin Ouimet and others, do not, in the opinion of Your Committee, require the publication of notice.

Industrial Ex-  
hibition in  
London.

Ordered, That the Report of the Select Committee to which was referred the Message of His Excellency the Governor General, delivered to this House on the twenty-ninth of May last, with the accompanying Documents, on the subject of the Industrial Exhibition to take place in London, in 1851, be printed for the use of the Members of this House.

Fisheries.

Ordered, That the Return to the Address of this House of the third instant, to His Excellency the Governor General, relating to the Fisheries carried on from the District of Gaspé, or other parts in this Province, laid before the House on Thursday last, be printed for the use of the Members of this House.

On motion of the Honorable Mr. Boulton, seconded by Sir Allan N. MacNab,

Medical Board  
(U.C.)

Resolved, That an humble Address be presented to His Excellency the Governor General, praying that His Excellency will be pleased to direct the proper Officer to lay before this House, a Return of the Members of the Medical Board who have composed their quarterly sittings under the Statute of Upper Canada, during the last four years.



Ordered, That the said Address be presented to His Excellency the Governor General, by such Members of this House as are of the Honorable the Executive Council of this Province.

Indemnifica-  
tion Bill (L.C.).

The Honorable Mr. Attorney General LaFontaine, one of Her Majesty's Executive Council, presented, pursuant to an Address to His Excellency the Governor General,--Return to an Address from the Legislative Assembly to His Excellency the Governor General, dated 5th instant, praying that His Excellency would be pleased to cause to be laid before the House, copies of the Despatches mentioned in the Despatch of the Right Honorable Earl Grey to the Right Honorable the Earl of Elgin, dated the 9th of January last, and of all other Communications or Despatches between the Right Honorable the Secretary of State for the Colonies, and the Governor General of this Province, on the subject of the Bill, intituled, "An Act to provide for the indemnification of parties in Lower Canada whose property was destroyed during the Rebellion in the years one thousand eight hundred and thirty-seven and one thousand eight hundred and thirty-eight."

Appendix (R.)

For the said Return, see Appendix (R.)<sup>1</sup>

MR. W. BOULTON (Toronto) rose to continue the discussion on his resolutions for the amendment of the Constitutional Act.<sup>2</sup> Before again entering upon the considerations of the resolutions introduced by him, which he had deferred to enable the hon. member for South York (Mr. Price) to introduce the subject of the Clergy Reserves, he would merely revert to the mode in which the discussion of these resolutions had been brought to a close on a former occasion by hon. members opposite,<sup>3</sup> by inducing members to leave the House, and then going about to count out the House in order to find out that there was no quorum<sup>4</sup>, and thus impeding the business of the country; a course he thought most discreditable to the government, who tacitly, if not openly, approved of and sanctioned such a proceeding. He claimed no right, individually, to occupy the attention of the house,<sup>5</sup> for he had no reason to expect any favour from the other side of the House<sup>6</sup>, but<sup>7</sup> standing there the representative of the city of Toronto,<sup>8</sup> the representative of nearly 30,000 people, he thought it the duty of every member of a deliberate body, if not to listen to what was brought before the house for discussion, having for its object the welfare of the people of this country, at all events to take no steps for preventing his being heard<sup>9</sup> on a question affecting the country in a very important particular<sup>10</sup>, and that no repetition of that proceeding should be adopted, as it only had the effect of retarding the business of the country. The treatment he had received on that occasion was not only unfair to him, but unfair to his constituents, for he did not bring in these resolutions because he was alone anxious of change, or because he wanted to manufacture political capital, but because he was convinced that the substance of them was approved of by a large majority of the people of this Province, and as a matter of justice to them he claimed a fair discussion of his proposition. If there was no good in it, why then it could very easily be disposed of, but if he could show that it was founded on just principles, and he thought he had it in his power to do so, then it should be adopted, or each portion of it at least, as could not be objected to. Since he had introduced these resolutions, the hon. member for Simcoe had laid before the House certain amendments, and he must confess he was at a loss to understand that hon. gentleman's language,<sup>11</sup> though doubtless ... ((it)) would be explained<sup>12</sup> when he spoke of his proposition as being revolutionary<sup>13</sup>, and republican. First, as to their being revolutionary he did not like the sound of that word, particularly in the sense in which it was generally used; no one who knew him could suppose that he would ever advocate



a violent change in the institutions of the country, and changes effected by violence against the wishes of the constituted authorities are what is generally understood by the term revolutionary. He knew his position in that House too well, to think for one moment of forcing on its attention any crude notions of his for effecting a change in our institutions, but surely the hon. member for Simcoe must remember that the principal change proposed in those resolutions, and the only one which could be characterized as revolutionary, was the proposal to have an elective legislative council; and within the last few days, resolutions had been offered by two hon. members (for Norfolk and Gaspe) in favour of an elective legislative council; and was one word then said by him, or any member in the house, as to their being revolutionary? No, so far from it, they were well received by the house. His own colleague (Mr. Sherwood) and others had supported them; they met with favour apparently from both sides of the house, but the reason given for their rejection, and which prevailed with the house, was that, inasmuch as the former resolutions only proposed an elective legislative council, without providing for other changes necessarily consequent on the adoption of such a principle, the resolutions would, if adopted, produce confusion and disorder; when, therefore, the proposition for an elective legislative council was not distasteful (sic) to the house, and was generally supported by the press and almost every intelligent man in the community, he thought it could not with much propriety be charged against him that he was introducing revolutionary and republican changes in our institutions. Moreover, it would not for one moment be said that an elective legislative council would be inconsistent with a permanent and more intimate connexion with Great Britain. He did not think the existing link would be broken, or he would be the last man in the house to propose a measure involving such consequences. It was evident also that<sup>14</sup> the most enlightened English Statesmen<sup>15</sup> did not conceive that elective institutions were inconsistent with the continuance of those ties that bind the colonies to the mother country; for within a recent period England had conceded to her colony, the Cape of Good Hope, an elective legislative council; and when that change was decided on in February last, and the position of the colonial possessions was under discussion in the imperial parliament, Lord John Russell had declared "That the true way to govern British subjects in the colonies is to allow them to govern themselves; that the colonies form part of the strength of the empire; that it is of the utmost importance that those supports of the imperial authority should be retained, through which that commerce which penetrates every part of the globe is maintained; that foreign relations alone excepted, they were prepared to concede to the colonies the full liberty of governing themselves," particularizing in the case of Australia, "the power of altering their constitution, and forming a confederation for the purpose of adopting a uniform tariff, and for the exertion of other powers."<sup>16</sup> After comparing his resolutions with the speech of the Noble Lord, he would wish to be informed whether they came properly within the definition--revolutionary. He looked on that speech as an invitation to<sup>17</sup> each and every of the colonies to make known those changes which were desired; to make our institutions work harmoniously, and to prevent that constant reference to England which produced nothing but annoyance there and little or no satisfaction to the people of this country. Looking, then, upon this declaration of Lord John Russell as a request to us to consider what changes we require, he naturally referred to what had taken place within the province, to see if an elective legislative council would meet with the approbation of the people.<sup>18</sup> They all knew that was not an expression of opinion in consequence of anything that had recently occurred, but that the question of an Elective Council had agitated the country for several years, and now that it was taken up by the Prime Minister of England, surely he was justified in acting in accordance with the views of the people, and in accordance with the views expressed by him.<sup>19</sup> He had no reason to doubt that it would be approved in Lower

Canada, for in referring to their journals, in 1831, he found the following resolutions recorded as the opinions of a large majority of the representatives of Lower Canada, amongst whom were the leading men in that province, including amongst others, the Speaker of the House. He was addressing the Attorney General East, Mr. Leslie of the upper house, and several other members of the present House. The resolutions he referred to<sup>20</sup> from the celebrated ninety-two resolutions introduced by Mr. Morin, and supported by Mr. Lafontaine,<sup>21</sup> were as follows: "That it is the opinion of this committee, that the most serious defect in the constitutional act--its radical fault--the most active principle of evil and discontent in this province, the most powerful and most frequent cause of abuses of power, of the infractions of the laws, of the waste of the public revenue and property, accompanied by impunity to the governing party, and the oppression and consequent resentment of the governed, is that injurious enactment; the fatal results of which were foretold by the Right Hon. Charles James Fox, at the time of its adoption; which invests the crown with that exorbitant power (incompatible with any government duly balanced, and founded on law and justice, and not on force and coercion,) of selecting and composing, without any rule or limitation, of any predetermined qualification, an entire branch of the legislature, supposed from the nature of its attributes to be independent, but inevitably the servile tool of the authority which creates, composes and decomposes it, and can, on any day, modify it to suit the interests of the passions of the moment." Also, "That the extension of the elective principle is the only measure which appears to this House to afford any prospect of equal and sufficient protection in future to all the inhabitants of the province without distinction." The above were the sentiments of the people of Lower Canada, as expressed by their representatives in 1834. The appointment of legislative councillors was the same now as at that time; the language of the above resolutions is as applicable now as it was then; and in every word and line of them did he concur. Nor was he singular in his opinion; within the last few months there had been assembled in this city one of the most respectable bodies of men (the members of the<sup>22</sup> B.A.<sup>23</sup> League) that had ever met to discuss the affairs of the province; they were chiefly from the conservative party in this province,<sup>24</sup> elected by the most influential persons in the Province,<sup>25</sup> and the manner in which their deliberations were conducted reflected the greatest credit on them; showed them to be men of superior intelligence,<sup>26</sup> just as much attached to British connection as the Attorney General West<sup>27</sup>, and procured for them the approbation even of the English press.<sup>28</sup> Their opinion was entitled to great weight<sup>29</sup>, and in this body, conservative as it was, almost every leading member of it, and near one half of its whole number, were in favour of an elective legislative council, and their reasons for advocating it never can be refuted. Many leading members in the house they were sitting in had also openly advocated it; and leading members of the Legislative Council, natives of the British Isles, who never desired to see this colony separated from Great Britain, had advocated it.<sup>30</sup> And when he heard the Attorney General oppose the motion of his hon. friend the member for Gaspé, because it involved other considerations for which no provision was made, he thought there would be little harm in his bringing in a set of resolutions in which that defect was remedied, and which he proposed to refer to a Committee on Finance, in order to see how far they might be carried into effect without affecting the financial interests. Now he did not know what was meant by the charge brought against him of<sup>31</sup> advocating republican and revolutionary measures. If by revolution was meant those changes essential to the welfare of a country, which were adopted by the constituted authorities after due deliberation, he did not object to the term being used; but in any other sense it was unjust and ungenerous to apply it to him. In the sense of the word the Reform Bill in England was a revolution for the benefit of the people.



The Municipal Council Act in this province, against which he had such prejudices, that more than once he had denounced it as revolutionary and republican, was also a revolution; and he had lived to see that act, which he had once considered fraught with the worst consequences to the community, recognized as the best measure without exception, which had ever been introduced by any government in Canada, having for its object the welfare of the people.--The hon. member for Simcoe was prejudiced against these resolutions before the House, because he feared the consequences would be injurious to the country. But he doubted if good reasons could be giving (sic) for entertaining these fears. So much for the resolutions having a revolutionary tendency. Now for the irrepublican (sic) character.--What the hon. member for Simcoe meant by using that term he could not comprehend. He was not aware of more than three recognized forms of government, a monarchy, an aristocracy, and a democracy, and all governments came under one or other of these forms; and he put it to the hon. member whether Canada or any other young country similarly situated could avoid having institutions of a democratic or republican character. It could not for one moment be said that the form of government, in this colony should be a monarchy or governed by one person, the Sovereign; nor could it be an aristocracy, for we have not the elements essential for such a form of government amongst us. Then what is left for us but a democracy, and a democracy or republican form of government is what we are now living under.<sup>32</sup> He supposed, however, that the hon. member for Simcoe wished to make it appear, that the effect of his resolutions would be to sever the connection with Britain, as he had completely failed in proving that they were of a republican tendency. He had always acted hitherto in concert with that hon. gentleman, was just as much attached to the connection as he could possibly be; and he would defy him to point out a single clause which would prevent the government from working in harmony with that of Britain. If he could show that, he (Mr. B.) would abandon them at once. But the hon. gentleman had contented himself with asserting that they were of a republican tendency. Well, he (Mr. Boulton) asserted that our institutions are now republican. It was all nonsense to tell him the contrary.<sup>33</sup> It might shock hon. members to think we were at this moment existing under a republican form of government, but so it was, and not only so but we were a dependence of a great republic; and notwithstanding all that had been said by honorable gentlemen opposite, who entertain such singularly liberal notions, now that they are in power, about the monarchical institutions under which we live, he had no hesitation in saying that England herself was but a huge republic, and that her form of government was much more republican than monarchical.<sup>34</sup> The institutions of the Great Britain are republican, ours are modelled from them, and he deserved nothing more than that they should be made to work smoothly and harmoniously.<sup>35</sup> It is true that "republican" is a dreadful sounding word, and frightens many a one out of their propriety; but what does it mean? Its definition is, "a political community, in which several persons share the sovereign power, or that form of government in which the supreme power is vested in the people, or in representatives chosen by them;" and a republic must be either an aristocracy or a democracy. Now in England, must it not be admitted that the supreme power is practically, and to all intents and purposes of government, vested in the people? Did not the reform bill emanate from the people? and has not every measure having a bearing in the general interests of the empire, been first discussed and approved by the people, and by the mere force of public opinion become the law of the empire? It is therefore absurd to have introduced the term "republican" into the resolutions proposed by way of amendment. As to the resolutions under discussion having in view a change of our constitution, he would merely observe, that the principal changes their adoption would effect would be, an elective Legislative Council, economy in our Government, and the conferring addition (sic) powers in the Munici-



pal Councils in the several counties of the Province--such as the appointment of magistrates, county officers, &c. So much had been said with regard to an elective Legislative Council, he would now notice that part of the resolutions relating to conferring additional powers in the Municipal Councils--feeling much strengthened in advocating this additional power to be given, as at a recent meeting of the Municipal Council of the county of York, they had unanimously adopted an address to the house, praying that the act might be so amended as to confer on them the right of appointing magistrates and county officers. He was in favour of this principle, as no doubt the Municipal Council would always elect fit and proper persons, and the Government would be relieved from being constantly harrassed and annoyed by applications from all parts of the province for the most trivial appointments, and a considerable saving would be effected to the province, by the consequent reduction of the secretary's staff, kept up chiefly to crry (sic) on correspondence about matters much better left with the different municipalities to manage. He then referred to what he considered the most important feature in the resolutions before the house, viz., a more economical system of conducting the government--a change that no one could well characterize as either revolutionary or republican, an economical system being the most judicious for all forms of government. When the debate was interrupted last week, he was about considering the proposition for a more economical system; and perhaps it was because members of the administration did not like the proposal of reducing them to five hundred pound a-year that the interruption took place. He then read the proposition which he submitted to the house, and which provided that the governor shall nominate and, with the consent of the Legislative Council, appoint a Provincial Secretary, an Inspector General, Receiver General, Commissioner of Crown Lands, two Attorneys General, one for Upper and one for Lower Canada, and a Provincial Surveyor and Engineer, to hold their offices for the same term as members of the House of Assembly, and who should receive for their services a sum not exceeding five hundred pounds per annum, not to be increased or diminished during the term of their appointment; and no person should be appointed Provincial Surveyor and Engineer, who was not a practical Engineer. Whatever opposition there might be to reducing official salaries, he felt all would concur in thinking that the Provincial Surveyor and Engineer, to take the place of our present Commissioner of Public Works, should be a practical engineer.<sup>36</sup> Was there anything very revolutionary in that? On the contrary, was it not an absurdity to appoint to the head of the Public Works department a lawyer or doctor?<sup>37</sup> One of the absurdities of the present system was the possibility that it should be otherwise; and recent experience had shown<sup>38</sup> the practical evils resulting from that system, in the utter inefficiency of the department for want of a skilful head.<sup>39</sup> Within two years had been seen no less than four parties at the head of that department, not one of whom knew anything about engineering: and it just depended upon the political arrangements of the party in power, whether that officer was a doctor, or lawyer, or merchant; all three had filled the office; and when the bridges at the various approaches to Toronto were swept away in one night by a freshet some short time since, days were allowed to elapse before a man was employed on one of them, their (sic) being no practical man at the head of the department to direct what should be done. Much valuable time was lost in hunting up some practical engineer, to consult as to the best mode of repairing the damage; the good-natured farmers, meanwhile, being obliged to put up with the inconvenience. And now with reference to the maximum salary proposed to be given to the heads of public departments, of all the propositions submitted he considered this by far the most important as having a more general bearing upon the permanent interest of the people of this country than any of the others.<sup>40</sup> It might be supposed that he had framed it for the purpose of making a little capital out of it. Nothing was further from his intentions. He only desired that every one of the public

servants should be paid a fair remuneration for their service, and nothing more, and in order that he might not be supposed to be influenced by any feelings of hostility to the hon. gentlemen who now sit on the Treasury Benches, he would say that if they were of the same political views with himself he would act exactly in the same manner.<sup>41</sup> He trusted no one would believe he ... desired to effect a change merely because ... he thought that the saving of £500 each from half a dozen officials would materially affect the interests of the people of this country, he took no such narrow, contracted view of the subject but<sup>42</sup> he looked upon it that the practice of paying high salaries to public servants at all times in Canada had been one that had had a very deteriorating influence on the prosperity of the country.<sup>43</sup> Having considered the condition and material prosperity of many of the neighbouring states, and asked himself how to account for their more prosperous condition than ours, he came to the conclusion that the cheap system of government incident to all of the states--the union had chiefly caused the amazing disparity between them and us; and to illustrate his views, he could instance the state of Massachusetts, with which many of the members were conversant; it was perhaps so far ((as)) a soil adapted for agricultural purposes was considered one of the most inferior in the Union, far very far below Upper Canada, and inferior even to Lower Canada;<sup>44</sup> not possessing more good agricultural soil than is to be found in the Home District,<sup>45</sup> its soil is so inferior that it is usually known as the "Granite State;"<sup>46</sup> and yet he found in it a population of a million and a half, enjoying advantages superior to what the same number of people possessed in any other part of the world<sup>47</sup> with more railroads and internal communication than any other equal extent of territory on this continent.<sup>48</sup> He found that their public debt was little more than a million of dollars, whilst we in the enjoyment of the finest agricultural country on the continent owe a debt of four or five millions<sup>49</sup>; the state debt on its own account, appearing by the American Almanac published at Boston, a most useful work that every member should possess, to be but \$1,044,500, or little over £260,000; the expenses of its government amount to (including interest on debt and loans to railroads,) the trifling sum of rather less than £158,000, and those expenses are paid without any tax imposed upon the people at large, their principal sources of income being derived from a bank tax, upwards of \$80,000, the surest index of prosperity of a people; an auction tax of upwards of £12,000, and dividends derived from railroads they have assisted by taking stock in, about \$25,000. The above expenditure, including large grants to asylums for the blind, deaf and dumb, eye and ear infirmary, lunatic asylum, state reform school<sup>50</sup>, for the reform of criminals ((only)) between £50,000 and £60,000 a-year.<sup>51</sup> In fact every institution that is required for retaining those who unfortunately fall into vicious habits, and for alleviating the melancholy condition of those in anywise afflicted by the various dispensations of Providence.<sup>52</sup> He was ashamed that there was no institution of the kind here<sup>53</sup>. ((We)) are obliged to send those unfortunate beings to one of those republican States, to obtain that instruction, which we, with larger means, cannot give them<sup>54</sup>, which he considered a disgrace to the country.<sup>55</sup> I find, more intelligence, wealth, active industry and benevolence, pervading all classes of this community, than I believe can be found within the same limits, in any portion of the globe. Then look at our own Province, unsurpassed in any country under the sun for fertility, and look at its condition. Admit that the agricultural population is able to live comfortably, and what do we find, why, without fifty miles of railroad throughout the whole Province, and to the disgrace of every government that this country has had, without a single public institution supported by government for the purpose of reforming offenders against the laws, be they young or old, without one single asylum for the reception of the deaf, the dumb, the blind, without an eye or ear infirmary (and even the Provincial Lunatic Asylum is not supported by the Government, but by a direct tax on the peo-



ple,) the debt of this province is annually increasing, and now amounts to quite \$20,000,000, if not more, instead of about \$1,000,000, in Massachusetts. The annual amount expended in carrying on the government, including the interest on our debt amounts to near \$2,000,000, instead of about \$600,000 as in Massachusetts, and the whole of our revenue is derived from a tax on the people at large, who pay  $12\frac{1}{2}$  per cent, or one-eight of the value of the whole dutiable imports into the country, while the people of Massachusetts are free from any general tax whatever for the purpose of their state. Under these circumstances, he asked, what could produce this wonderful difference in a people so contiguous to us? It could not be the climate; it could not be the soil, for that was inferior to ours; it was not the natural superiority of that people--then what was it? and he asked the house to consider the reason. He had come to the conclusion that it was entirely owing to<sup>56</sup> the very low rate of salary paid to the officials, and the consequent cheap government with which they are blessed<sup>57</sup>, that these results had been accomplished.<sup>58</sup> If others would give the subject as much consideration as he had, he believed they would come to the same conclusion.<sup>59</sup> It formed a material part of their system, and was most wisely introduced by those who took a lead in that revolution, which led to the loss of those great colonies by Great Britain. It was unnecessary for him to remind the members of that house than when that revolution was effected by men having no antipathies to the connexion with Great Britain, but on the contrary by those who petitioned, remonstrated, and even implored for a line of policy to be pursued that would admit of their continuing British subjects; and when a constitution had to be given to that great republic and its numerous states, there was no reason why the constitution of Great Britain should not have been transplanted to these states, and why they should not to this day have continued to live under institutions similar to those to which they had always been accustomed, if they could have been transplanted to this continent. But they found it utterly impracticable to do so, and they felt that a government of which two principle elements were an hereditary aristocracy and a church connected with and supported by the state, could not be successfully introduced into a new country, where there was not the material for forming the one, and where the introduction of the other was not congenial to the feelings of the people, the present constitution therefore was adopted, and its adaptation to the wants of the people living under it, is the best proof of the wisdom and sagacity of those who framed it; he did not think it possible to advise a better system of government for a new country than they had adopted; the form of government then selected, admitting of no private classes in the community, and no distinction amongst the people, except such as they were individually able to create for themselves; it was considered an indispensable requisite of their system that the remuneration of public officers should be as small as possible, consistent with the requirements of the public service; that no temptation might be offered to their youth to abandon those pursuits which would not only advance their own interests, but that of their country also; such as the commercial, agricultural, and manufacturing interests of the country; it has, therefore, been adopted as a principal feature in the system of all their state governments--low salaries to the public officers--<sup>60</sup>The fact was that the state of feeling in Massachusetts was very different from what it is in Canada,<sup>61</sup> the consequence has been throughout that great country, public employment is not looked upon as even a desirable occupation by the youth of that country, and the best educated, the sons of the most wealthy, most educated, and most intelligent of their people, are led to look down upon, rather than look up to, the public service as the best means of advancement in life; the effect of this upon the people at large, coupled with the education which cheap government has enabled them to confer on all classes, has been to make each and every member of the community (sic) to feel that he was sent into the



world for some useful purpose; that he had brains and intellect given him to employ not only for his own advancement, but for the benefit of the community in which he lived; it made their population more self-relying than you find in other countries; and the practical benefits arising from these feelings were visible in every branch of trade, manufacture, and commerce, of the country. In Canada a different course had been pursued from our earliest history<sup>62</sup>. It was impossible for them to form a Monarchical Government in this new country, it would have been absurd; an aristocracy would have been equally so, and they adopted as good a system as they could at the time. They had no rational aristocracy and so they established an unnatural aristocracy, a class of men with high salaries, which raised them above their fellow citizens.<sup>63</sup> The salaries of all public officers have been enormous, and totally disproportioned to what the most intelligent and most laborious can attain, after years of exertion and toil<sup>64</sup>. Most of them did not earn their bread; their time, which might have been useful to their country, was wasted.<sup>65</sup> This system has given a charm to public employment which pervades all classes; makes each and every one think that the Government can do more for him than he can do for himself, and deprives him of that self reliance which is essential to the forming of an useful citizen.<sup>66</sup> There is not a young man in the public service receiving £200 or £300 who does not feel that he would be reduced to beggary if he were deprived of it. Now that was not the sort of feeling that ought to exist among the young men in the country. A man of education and character ought to feel that he is able to turn his attention to other pursuits than government employment.<sup>67</sup> If a man had industry and moral character there could be no danger of him failing in making a livelihood.<sup>68</sup> ((This)) quasi aristocracy, or class of society as separate and distinguished from all other classes of the community,<sup>69</sup> exercise an important influence in the country, engendering extravagant habits amongst a portion of the people<sup>70</sup>, into which but a few are permitted to enter, unless, indeed, they belong to one or other of the learned professions, and as they alone almost lead to this distinction, one or other of the learned professions is considered as indispensably necessary to attain this object; the consequence has been most disastrous to the community at large; the whole talent that might be usefully employed in the variety of employments incident to a new and growing country, is absorbed in the learned professions, where employment is not found for a tithe of their members; and all other useful occupations and employments are deprived of their services. How frequently is it seen that respectable tradesmen, having amassed wealth by their occupations, and being enabled to give to their sons every advantage of education, have thought it advisable, from a laudable but mistaken ambition, to educate their sons for the Bar, where, already, there are more lawyers than can live by their profession, instead of inducing them to carry out perhaps a higher branch of the business in which they were engaged, and, by superior intelligence and exertion, elevate the calling of the father, and give that particular trade, pursuit or calling an importance in the community, it had not previously commanded--as a proof of the correctness of his views, he asked, if half a dozen instances could be shown, in which leading men in the Province, either in respect of education, intelligence, or wealth, had brought up their families with a view to their embarking in commercial, manufacturing, or agricultural pursuits? he doubted if they could; and, if not, did it not show that those pursuits were considered unworthy the attention of an educated man? and was it not a natural consequence, that the rising generation should from time to time, desire to avoid those occupations in which men of refinement and education were not engaged? What would be the result he asked, if all the learned professions were similarly proscribed? if every man of education and talent embarked in commerce?--would not the professions of Law and Physic gradually dwindle into insignificant and contemptible occupations; and so, at present, it is with commercial and other pursuits which ought to rank highest in a young and rising country, they

are looked down upon by our youth as inferior occupations, and consequently shunned and avoided, and those minds which could elevate any occupation in life, wherein they were engaged, are valueless to the community, and in three cases out of five, drones amidst the busy and active population they see around them. He then read to the House the various salaries of Public Officers in Massachusetts and compared them with similar officers in Canada.

	Massachusetts.	Canada.
Governor <sup>71</sup> Briggs <sup>72</sup>	\$2,500	\$31,000
Secretary	1,600	4,000
Receiver General	1,600	4,000
Speaker of House,	\$1 per day,	4,000 per an.
Speaker of Senate,	\$1 per day,	4,000 do.

and others in proportion. Was it not evident that if for no other purpose than to save from the Public Revenues the means of improving our internal communications, economy was most desirable, and if the views he entertained of its effect on society were correct, then there could be no doubt as to the propriety of adopting it.<sup>73</sup> A great quantity of produce lost value for want of internal communication. Wheat in Galt was worth only 4s per bushel, while in Toronto it was worth 5s. 6d, a difference caused by that want. These practical measures were of the greatest importance to the community.<sup>74</sup> No doubt he would be told that all he had said was republican and the hon. Attorney General would probably, as he did on a former occasion when he advocated economy in the Public Service, ((say)) that it was the commencement of separating our connexion with Great Britain that it was republican in its tendency and he must resist it. In fact, every suggestion to improve our present system and elevate the middle and lower classes was denounced, as republican, and unfit to be brought before the notice of the Legislature. He had no fears of that sort, and when he saw that a system could be adopted which would not weaken the tie that binds us to the mother country, he had no fears in bringing it before the House. As he had made or rather attempted to make practical remarks, and so modify our system as to adapt itself to the practical and every day wants of the people, he would endeavour to illustrate what he had said by a practical illustration, and trusted the House would excuse his doing so. On the occasion just alluded to, when the Attorney General West had set his face against every innovation, and gave as a reason its republican tendency, it brought to his mind, very forcibly, a circumstance that occurred a few weeks since, when he visited a shop in this town to purchase a hammer; the merchant asked what sort of a hammer he wished, an English hammer or an American hammer?<sup>75</sup> (Laughter.)<sup>76</sup> Instinct or prejudice at once forced out, oh an English hammer! thinking, of course, anything English was the best; but wishing to see the difference, if any existed, in such a common-place article, he asked to see both; they were shown him, and the contrast made such an impression on his mind, that when the Attorney General West upon the occasion above referred to, thought it necessary to guard against innovation, even though good in its way, he again visited the shop, and asked permission to take the English and American hammer with him, and he now begged to present them to the House, (here there was great cheering laughter and excitement) that they might see the result of two systems.<sup>77</sup> Here the hon. member stopped, and great roars of laughter, took from under his desk two hammers, very different in shape from one another. There was the English one--(holding up one in his right hand)--did ever they see such a looking instrument? (Laughter) Well here was the other. (Roars of laughter.)<sup>78</sup> No one could look at the two without seeing that the one (the English) had been made by a mere machine, a being employed to do a day's work, and who did it; but it evinced no sign that any skill, ingenuity, or even mind had been brought to bear upon its construction: it was not even made upon



sound mechanical principles; the face was uneven and larger than any other part of it, offering the greatest possible amount of resistance in using it; the weight was in the wrong place, and any one using it would see that it required more labour to use, and effected less than the other. It was in fact, so inferior, that our own mechanics would hardly use it, almost invariably preferring the American article. Well look at the American hammer, examine it, it is so neat and beautifully made that it is fit for a drawing-room table. See its construction and attempt to use it, and you find it is admirably adapted for the purpose for which it was intended; in fact, it is perfect of its kind.<sup>79</sup> Who would not have a Government to train a people who could make such hammers.<sup>80</sup> He had one more specimen to produce, as on shewing his hon. friend from Montreal, (Mr. Holmes) the hammer just produced, he (Mr. Holmes) told him the difference in hammers was nothing, but begged him to get an English axe. He tried to do so, but although this is the metropolis of the chief colony of Great Britain (the manufactory of the world almost) where almost every male inhabitant requires an axe, he was unable to do so,<sup>81</sup> and he was told that they did not import them; that there were no American axes made in England. (Laughter, and the hon. member apologised for the bull.)<sup>82</sup> So utterly unable are the English manufacturers to compete with the Americans, and even with their own mechanics, that the English axes are completely driven out of the market by their own and the American. On applying at one of the largest hardware houses in Toronto, it is true he had been told that an attempt had been made to import English axes after the American pattern, and great trouble had been used to obtain them. An exact model of the American axe was made in wood, so that any one could execute the order; it is true the eye of the axe was not cut out to show where the handle was to fit in, but on the wood a mark was made indicating the size the eye should be, and the order sent, full of fond anticipations of a good supply of a superior article, a ready sale, quick returns, and large profits. The long expected order arrived, the box was opened, and lo! the axes had been manufactured and sent out without any eye in them, and there being no place in which a handle could be inserted, the axes proved but an indifferent speculation.<sup>83</sup> (Laughter.)<sup>84</sup> Now this occurred in the city of Toronto, and was the result of a large order sent by an extensive House here to an extensive establishment in England. A simple fact it was, certainly, but it showed conclusively, that in carrying out the order, it was the hand, and not the mind that was engaged in the work.<sup>85</sup> That was the result of the institutions of England.<sup>86</sup> But to return to the axes, not being able to procure an English axe, the tradesman to whom he applied procured a specimen of English edge tools, a carpenter's adze made in no less a place than London, here Mr. Boulton produced the English adze amidst convulsive laughter<sup>87</sup>. Did they ever see such a miserable looking tool as that<sup>88</sup>; a long straight machine more like a hoe for making Port Holes than anything else, and also an American adze from the same shop<sup>89</sup>. (loud cries of hear, hear, and laughter, which continued for some time.) The hon. member contended that his argument was valid and practical.<sup>90</sup>

DR. DAVIGNON rose to order. He asked if the hon. member had a right to produce edged tools in the House. (Laughter.)<sup>91</sup>

MR. MORIN the SPEAKER said that he could not say the member was out of order unless he brandished them in a dangerous manner. (Loud laughter.)<sup>92</sup>

MR. W. BOULTON went on<sup>93</sup>: the one was made in London whose population is counted by millions, the other, in the little town of Lockport, about forty or fifty miles from here, and he asked whether these two implements of almost every day use did not teach a great lesson to that House. The American adze, was in fact, a beautiful specimen of cutlery, best adapted for the purpose for which it was intended, the other was of a size, shape, and construction, which would really



prevent a man doing a days work with it. In fact no mechanic would use it as a gift. And whilst the one came from the most civilized city in the world, you could not for any sum of money, be believed, procure its counterpart to be made by any mechanic in the United States or even in Canada.<sup>94</sup> Was it desirable to have people to make this or that. (Laughter.)<sup>95</sup>

A Voice--We are not obliged to buy them.<sup>96</sup>

MR. W. BOULTON--No, he did not say they were; he only introduced them to show the effects of the different forms of government.<sup>97</sup> Now in making this illustration, he desired to draw no invidious comparisons between the mechanics of one country and the other; he believed that a well educated English mechanic was equal to any mechanic in the world. Nay he believed (his prejudices were so strong) that a first class English engineer, mechanic, or artizan, was superior to any other class in the world; but he believed the masses of mechanics in the old country were not equal to the mechanics of this continent. There, while the social system was entirely different, and its tendency was to depress rather than elevate the labouring and manufacturing classes; in America it was the reverse. As their system produced such wonderful results in the latter country, he was desirous of seeing the same system introduced here, namely, a cheap government, which ensures a liberal education to all, elevating every class in the community, and giving them a just estimate of the duties they owe to themselves, their families, and their country. He then went on to explain that the resolutions on the table amounted, on the whole, to a mere proposition, to submit to the House, certain provisions that he thought ought to be incorporated into every free government, with a view of referring the whole to the Committee on revenue and expenditure nominated by the Government, and if there was but one proposition, that was approved of, it could be recommended, and the rest rejected; if they sanctioned a reduction of salaries, that clause could be adopted by the committee, and all the rest rejected. Though objected to, as being republican in their tendency, he would observe that none of those provisions existing in the constitution of the State of New York which he disliked, and every Englishman disliked, such as vote by ballot, universal suffrage, elective Judges and Governor, &c., were incorporated into the resolutions before the House. Which was found to work well elsewhere, and could be adopted with great advantage to this country, without endangering our connection with Great Britain was introduced; what was calculated to impair or weaken that connection was studiously avoided; and though it might suit some parties who cannot answer the argument he had adduced, to denounce them as revolutionary, republican, and as calculated to weaken the tie that bound us to that land, to which we all looked... with veneration and respect; yet he would assure the House, that if he did not think great practical results would follow to all classes of the community, and that their attachment to the Mother Country would be increased and strengthened, instead of weakened, by the adoption of these resolutions, he would be the last man in the House to introduce them.<sup>98</sup> He read over some others of his resolutions. One was that the legislature should not have the right of selling the roads, which was very wrong. He argued the desirableness of having a day fixed for the meeting of Parliament, and of having the civil list surrendered into our hands. He concluded by moving his resolutions.<sup>99</sup>

(90)

Proposed  
changes in the  
Constitution.

*Mr. Boulton of Toronto moved, seconded by Mr. Prince, and the Question being proposed, That the well-being of society requires, amongst other provisions to ensure security to person and property, enlightened legislation, and the faithful execution of its enactments; respect for, and obedience to, the law, and*

*a ready adaptation of them to the fresh wants of a progressive society; an impartial administration of Justice; adequate checks on all constituted authorities to prevent abuse of power, or, when it has taken place, to obtain its just and exemplary punishment; and in fine, the blessings of freedom in time present and in time to come; that the Legislative, Executive and Judicial Departments should have their distinct separate functions better defined and determined than they are at present, in order that those to whom power is delegated, as well as the people from whom it is derived, should all readily understand what are their political duties, as well as what are their political rights, in a well ordered community, wherein deserving subjects from any class of society may be summoned by the free choice and election of their fellow subjects to fill, for a time, high, responsible, and magisterial offices, and then merge in the mass of the people at the expiration of their trust;*

MR. ROBINSON would assure his hon. friend from Toronto (Mr. Boulton) that nothing gave him more regret than that the resolutions he had introduced should have given rise to the amendment which he was about to propose. They might consider their respective resolutions in a different light, but they must speak for themselves. Upon referring to the second of these resolutions it would be found, that the terms revolutionary and republican might with justice be applied to it; he (Mr. R.) did not mean that it was contemplated by force of arms to change the government of the country.<sup>100</sup> It was not necessary that there should be violence and bloodshed to effect a revolution. Connected with the hon. member, as he (Mr. R.) was, he considered it proper to take the course he did to set himself right with the country.<sup>101</sup> The hon. member, in the course of his speech, had referred to a declaration of Lord John Russell; and were that nobleman present, he would apply to his observations the same censure. His next reference, he (Mr. R.) regretted to say, was to the ninety-two resolutions of the Parliament of Lower Canada; and he would refer the House to the Journals of that period, to show the views which that House then took of those resolutions. On the 20th April, 1836, he (Mr. R.) moved the following resolution, which was seconded by Mr., now Sir Allan McNab:--

"Resolved, that the letter from L.J. Papineau, Esq., the Hon. Speaker of Lower Canada, dated the 15th March, and also certain resolutions adopted by that body on the 15th February last on the political state of the British American Colonies, both of which were directed to the Hon. Speaker of the House, as its organ, and by him laid on the table, on the evening of yesterday, contain sentiments and opinions subversive of the true principles of the British Constitution; which this House, representing the loyal inhabitants of Upper Canada, do not respond to, but most distinctly and decidedly dissent from, be not entered on the Journals of the House, but returned to the Speaker of the House of Assembly of Lower Canada."

The ninety-two resolutions were received the evening before the prorogation, and there was no time to express the feeling which was entertained with reference to them; but that was the view taken by a vast majority of the people of Upper Canada at the time; and he (Mr. R.) for one had not since changed his sentiments.<sup>102</sup> He thought that making speeches like the hon. member did, and having them circulated through the country, was calculated to do a great deal of harm in it. He read from one of the member's speeches from a newspaper, to the effect, that loyalty and the connection with England were not to be maintained by crying hurrah for the Queen.<sup>103</sup> The learned member ... had stated on a former day that the separation of this Province from the Parent State was a mere question of time .... He (Mr. R.) regretted that these questions were continually coming up, and he did not think it right merely to vote them down, but to meet them with counter resolutions. The resolutions under consideration went to produce an entire change in



the system of government<sup>104</sup>. He contended that the plan of the hon. member, which was now before the house, if carried out would be a revolution. He went on to comment on a printed speech of the hon. member<sup>105</sup>. Among other arguments that had been resorted to, was the difference in the price of wheat in Toronto and on the seaboard; although every one acquainted with the subject knew, that it was regulated by the selling price in England.<sup>106</sup> Because wheat was 3s 6d here and 4s on the seaboard, it was no reason why we should barter away for that our time honored institutions.<sup>107</sup> These erroneous views and sentiments had a tendency to create discontent among ignorant people throughout the country. He (Mr. R.) was happy to hear the learned member for Toronto say that he was in favour of the connexion with the Mother Country. If that were the case he hoped that the present would be the last attempt he would make to disturb it. The hon. gentleman said he would call the attention of the House to the resolutions he meant to propose in amendment. In doing so, however, he would not admit that this Province was so far behind the United States as is represented; and thought that no part of them could offer greater inducements to men of property to settle than Canada does; and men, within his own knowledge, had come to this country poor and destitute, who live now in comfortable and independent circumstances.<sup>108</sup> He trusted that his resolutions would pass, and that even his humble effort might do something towards establishing the character of the country. He did not believe in repudiating British feeling because one great error had been committed. He for one was proud of belonging to the British Empire.<sup>109</sup> He concluded by saying, that in his opinion the members of government at the commencement of the session, should have introduced Resolutions expressive of the sentiments of the House on the subject of separation.<sup>110</sup> It was the duty of the House to tell the country unequivocally its sentiments on such attempts as those of his hon. friend<sup>111</sup>. No man was more opposed to the present ministry than himself; but he was not disposed to change the constitution of the Province, because they might commit errors. If the people sustained them at the next election he should be sorry for it. In the mean time, he thought, the House should read a lesson to every part of the country.<sup>112</sup> He trusted that his amendment would be passed by a large majority.<sup>113</sup>

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*The Honorable Mr. Robinson moved in amendment to the Question, seconded by Mr. Stevenson, That all the words after "That" to the end of the Question be left out, in order to add the words "this House is deeply sensible of and grateful for the inestimable advantages derived by this Province from its connection with the United Kingdom of Great Britain and Ireland, under a Constitution as nearly resembling that of the Parent State as the difference of circumstances admits:*

*That under this Constitution, Canada has advanced to a high degree of prosperity, and its inhabitants are in the enjoyment of civil and religious liberty; and by just and equitable laws are fully protected in life, person, and property:*

*That this House takes the opportunity, upon the introduction of propositions of a Revolutionary and Republican character, to declare its firm attachment to the Crown and Government of Great Britain, and its determination to maintain the connection with the Mother Country unimpaired, by whomsoever it may be assailed:*

*That this House marks with decided disapprobation and reprehension all such attempts to disturb the Constitution, as tending to agitate the public mind, to strengthen the erroneous impression which now exists in Great Britain, that Canada desires to sever its connection with the Empire, thereby preventing the introduction of British Capital into the Province, and diverting the tide of Emigration from Great Britain to other and more quiet countries:*

*That an humble Address be presented to Her Majesty founded on the foregoing Resolution;*

MR. H. SHERWOOD did not desire to express an opinion as to the constitution



of the United States, or of the several States individually; but would make one or two observations in the first instance, as to the constitution of the Legislative Council; he had said on a former occasion, and he believed it still, that if it were elective it would be a wiser and better body; and if the people, as he, Mr. S., believed, was the case, were desirous of retaining British connexion, there was no fear that any one would be sent<sup>114</sup> to that House who would dare to propose to discontinue the connection.<sup>115</sup> It was a considerable time, he said, and after he had conferred with many well-informed individuals upon the subject, that he came to the conclusion that this was desirable. Hon. gentlemen would recollect that he had before expressed himself as not desirous of agitating the subject at the present time, and had stated that the members of the present House were not sent there to make violent changes; but he would leave the question to be discussed by the people at the next election. Having said this, he would add that he entirely repudiated the sentiments entertained in the Resolutions. His learned colleague might say that he was in favour of British connexion; but if his views were carried out, British connexion would be severed to all intents and purposes. He had not used arguments which satisfied him that the views developed in those resolutions were right, and he (Mr. S.) was wrong; and expertness in making hammers and axes affords no reason for changing the constitution. If the Americans invented improvements, they can be carried out in this Province, and perhaps be improved upon; and he did not see what the constitution had to do with manufactures.<sup>116</sup> So long as Great Britain gives us the power to manage our own affairs, and<sup>117</sup> dealt with the Province in that spirit of liberality, justice and good faith which has hitherto characterized them<sup>118</sup> in the late discussions in the British Parliament,<sup>119</sup> so long would he be desirous of maintaining the connexion with the parent State<sup>120</sup>, and assimilating our institutions with her's as nearly as possible.<sup>121</sup> And not only would he renew again and again his oath of allegiance, but would subscribe a declaration of unaltered attachment. And he would say farther, that the views entertained by his hon. colleague were contrary to those entertained by his constituents; and even in the City of Toronto where these resolutions had been disseminated but a few factious people could be found to support them.<sup>122</sup>

MR. PAPINEAU said the mover of the original resolutions had pointed out defects in the constitution of the Province, and proposed a remedy. The honourable member for Simcoe<sup>123</sup> who had just sat down<sup>124</sup>, proposed an amendment supporting the constitution<sup>125</sup> ((and had)) shown that he did not understand the constitution about which he spoke<sup>126</sup> so well as the member who had spoken first. The hon. member then ridiculed our present constitution.<sup>127</sup> Was it in accordance with the principles of the British constitution he would ask, when such alterations are proposed as had been that day suggested, for Ministers to sit still, and not express an opinion on the subject, or as to what are the views of Government?<sup>128</sup> When a proposal was made in England to change the constitution, there was a general desire to learn the opinion of the ministry on the subject: and<sup>129</sup> had the hon. member for Simcoe known what was proper, he would have kept modestly silent, and left those who were paid for it, and left those who were paid for it, and who were in possession of all the honours and emoluments to have introduced his resolutions; who found fault with useful measures because they were not introduced by members on their side, and yet proposed nothing themselves. The resolutions of the learned member for Toronto came properly before the House, and if they did not approve of them, why not bring in other proposals, which, if adopted might be productive of benefit to the country.<sup>130</sup> The proposal of the member for Toronto, (Mr. Boulton) had been received with laughter, and jeers, and sneers. He (Mr. Papineau) would like to see these gentlemen who made these sneers, who jeered and laughed and behaved so indecorously,<sup>131</sup> in their seats while the hon. member was

detailing his plan,<sup>132</sup> go before their constituents where they would feel their dependence, and see whether they would behave in the same manner they had done now; and if they did whether there would be a single constituency that would not reject them. He would ask the hon. member (Mr. Robinson) who was a native of Canada, whether the greatest part of the time there was not strife and disgust instead of contentment in the country?<sup>133</sup> He contended in favor of extending the principal of election. He believed that if the resolutions were carried out, borrowed as they (sic) were from the best text in existence, that they would have the effect of prolonging the connection with Great Britain more than anything else. But it was not for this reason that he was in favor of them, for he believed that the time had come when we should separate. He reverted to the early history of the States, and contended that those colonies, (Connecticut and Rhode Island,) which enjoyed elective institutions, had remained the longest attached to England. They saw that this principle worked well there, and that one governor was elected for twenty years in succession. He repeated that it ill became the ministry to sneer at the judicious remarks of the hon. member<sup>134</sup>, that it was the superior education of the people of the United States that gave the farmers and mechanics of the United States an advantage over those of England.<sup>135</sup> He asked how it was that the English mechanic, who was as patient and industrious as any in the world, was so far behind the Americans?<sup>136</sup> In every country where the capital is accumulated in the hands of a few, classes are thrown wide asunder, and the servile dependence of one class on the other, impairs the moral and mental faculties much more than it wastes the bodily strength.<sup>137</sup> The brain was required to work as well as the hands. That system under which the man felt himself the equal of the master, was the most favorable to mental development. That system existed in the States: the workman was not there trodden upon by the capitalist, but he was educated and enlightened, and felt that he was one of those on whom the very government of the country depended.<sup>138</sup> With no regard to consistency or self-respect, could the members on the ministerial benches continue day after day to oppose these resolutions, on the pretext that they are not framed as they ought to be. Let them assume them, and shape them to their liking.<sup>139</sup> He ridiculed the hon. member for Toronto for asserting that the plan of his colleague had a tendency to sever the connection with England, while he himself was in favor of the elective legislative council. According to his (Mr. P's.) views<sup>140</sup> many of the resolutions were far enough from being revolutionary and Republican. Their greatest fault was that they left two (sic) much power to the Executive and to England. They proposed to leave to England the power to appoint our Governors, not because it is good, but because we have been trained<sup>141</sup> too long<sup>142</sup> to bear misfortune, the disgrace, and the disadvantages of having Governors appointed for us by England<sup>143</sup>, until they had got used to it, and looked upon their degradation as a benefit.<sup>144</sup> Of all the Governors that had been sent out of the colonies, there was not to be found a single great man, or a man of reputation. Englishmen carried with them the rights of self-government, to whatever shores they might plant themselves upon.<sup>145</sup> He condemned the ministry for insincerity and hollow-heartedness.<sup>146</sup> If the government were desirous of securing necessary changes in the constitution, they would before now, have proposed some definite scheme of amelioration<sup>147</sup>. The opposition had done so and were pledged to them<sup>148</sup>, but all they had done was simply to<sup>149</sup> offer dull opposition<sup>150</sup> ((to)) every sensible proposition that had been made.<sup>151</sup> At the same time that it was known that some of them had written or spoken to the effect that if we did not get free trade with the States that the country would go for annexation.<sup>152</sup> They had obtained power by denouncing the errors of their opponents, without proposing any plan of policy on which the country would be better governed. Was it so much more disloyal for the member for Toronto, to propose by legal and constitutional means to effect a change, than for the ministry to sit still in their places and let the public dis-



content with the present state of things go on increasing.<sup>153</sup> When any discontent was expressed in the colonies, they heard loud cries about losing the brightest gem in the crown, &c.; while it had long been held by the greatest statesman in England, that the value of the colonies was nothing.<sup>154</sup> Members had sneered at a comparison between Canada and the United States: but we were very small in the eyes of England, while the United States was viewed as a great nation. While we sent only 456,000 bushels of wheat to England, the United States sent 9,000,000.<sup>155</sup> The hon. member proceeded to condemn at some length our present constitution. It was a pity that lord Sydenham had not lived to receive condemnation for his work.<sup>156</sup> In every respect the present constitution was worse than that of 1791. It was a mass of usurpations. A false system of representation had been adopted. Laws may be passed but they will not be respected. The constitution was so vicious, that no public man would have accepted the office without stipulating with the Governor, for the required changes in the constitution.<sup>157</sup>

Hear, from MR. AT. GEN. LAFONTAINE.<sup>158</sup>

MR. PAPINEAU continued: He concluded by attacking Mr. Lafontaine and the ministry, contending that they had placed the Governor in a degrading position, regarding the events which had taken place in Montreal.<sup>159</sup> Mr. Papineau, said bad immoral men, destitute of moral courage, who would not try to conciliate influential men, when the mob was burning and pillaging; made the constitution become more vicious, when placed in their hands.<sup>160</sup>

MR. AT. GEN. LAFONTAINE lui répond. J'ai entendu pour la cinquantième fois la répétition du discours de l'hon. membre pour St-Maurice.<sup>161</sup> "J'ai gardé le silence," dit M LaFontaine "tant que les attaques du député de Saint-Maurice ne m'ont été que pe sonnelles, mais<sup>162</sup> je suis fâché de l'avoir entendu vilipender les représentants du pays.<sup>163</sup> Je sens que je dois parler.<sup>164</sup> Last session he had replied to that hon. gentleman, and this session he had also been forced to tell him that he stated what was not true; he hoped it would not be necessary to reply to him again. The hon. member for St. Maurice said that no honest man would take office under our present constitution, because it was bad, because it was no better than the one which preceded it; and asserted that the constitution of 1791 was far more liberal. He would go back to the year 1820, and look at a speech delivered by the hon. member for St. Maurice on the hustings. The hon. gentlemen had been in France since he delivered that speech, he made great promises then, he promised that the whole continent of America should disclaim all connections with a European power, that he would easily bring about a revolution in Canada<sup>165</sup> en même temps que la France commencerait la révolution européenne? Mais la révolution de 1848 est arrivée trop soudainement, elle l'a pris à l'improviste et à empêché ses desseins.<sup>166</sup> This virtuous man, this moral man, this courageous man--it was some consolation for Canada that, in a population of a million and a half, she had at least one virtuous man--in 1820, just previous to an election, passed a high eulogy on the Sovereign who had died only a short time before, and said that he had given to Canada a free constitution. Those were the sentiments of the hon. gentleman at that period. He well knew that abuses existed in the constitution at that time, that the Legislature was powerless. But the hon. gentleman was omnipotent, he was within a short time appointed a Cabinet councillor. How was it that he forgot all the glories of that constitution now, and tried to make it appear that they had been in a state of constant servitude<sup>167</sup> since the cession of Canada to Britain<sup>168</sup>? Did he believe that what he said was true? No, he did not. But he was actuated by a desire of making everything that passed through his imagination pass for true, without stopping to enquire whether it was or not. He had now, he had always accused his fellow countrymen of servility, without stopping to enquire whether it was true. He had accused him (Mr. Lafon-



taine) of despotism. Was there any one of his colleagues that he had ever asked, how he intended to vote on any particular question.<sup>169</sup>

Cheers from the French members and cries of "never."<sup>170</sup>

MR. AT. GEN. LAFONTAINE. On the contrary it was a mark of reproach with many that he did not do so, but he would rather abandon his seat than attempt to control that house in its decisions. But he had said more. He said that they wanted courage, that they dared not face a mob! Was it for him to talk of courage? Did he forget his past life? Did he not blush as he mentioned the word? Or was he so really forgetful that he thought he was courageous? Was it not the fact, that he was afraid when he landed on the shores of Toronto? Did he tremble before that part of the population, which he thought would possibly renew the scenes of Montreal? Did he not try to conciliate and approve them? Was not this unceasing abuse of the ministry intended by him for that purpose? Ah! he would say: the ministry are to blame. I have not spared them. They deserve all the violence they have had to endure, but I--I am opposed to them. I am their enemy, protect me, and do not make me experience also the effects of your rage! Courageous man! Skilful politician! How well was it for him to bring want of courage as an accusation against others. He had followed up this well founded charge with another of the same stamp, but in rather more moderate language than he had used in making it a month ago, when he accused him (Mr. S.) and his colleagues of a desire to shed innocent blood<sup>171</sup> de leurs adversaires en chambre<sup>172</sup>, by the arrests they made at Montreal last year<sup>173</sup>? Could the hon'ble member for St. Maurice establish any proof of that assertion? He waited for a reply.<sup>174</sup>

MR. PAPINEAU denied<sup>175</sup> in French<sup>176</sup> having ever made such a charge. He had said some time ago, that the ministry were to blame for not having instantly corrected the imprudent speech of one of their supporters<sup>177</sup>, Mr. Blake<sup>178</sup>, who said, he hoped to see the Knight of Dundurn and ten other leaders of the conservative party answer in the<sup>179</sup> criminal dock<sup>180</sup>, for the atrocities of the Montreal riots.<sup>181</sup> He meant by his statement that the member for Montreal had refused to accept the assistance of the members for Hamilton, Huron, and the County of Sherbrooke, to take measures to allay the disturbance.<sup>182</sup>

MR. AT. GEN. LAFONTAINE continued. The hon'ble member for St. Maurice was not content with making these accusations once, he had repeated them in seven or eight speeches, sometimes attacking him (Mr. Lafontaine) alone, sometimes including the whole of the Cabinet, apparently for the purpose of obtaining a character for independence.<sup>183</sup> Jamais mensonge n'a été plus perfide et plus malicieux.<sup>184</sup> He could tell that hon. gentleman that if the ministry had shed blood, that in spite of all his vehement attacks, nothing would have pleased him better, nothing could have afforded his party in Montreal more pleasure<sup>185</sup>. Cette demande de mitrailler la populace a été écrite dans les journaux qui le soutiennent. Bien que rien ne puisse satisfaire ce monsieur, si on eut condescendu à cette demande, la chose lui aurait assez plu.<sup>186</sup> But the hon. gentleman had evidently been tutored by some one on the other side, who having more respect for him than he had for himself, had convinced him of the necessity of altering his tone, and he had in consequence, assumed a moderation in language that was far from being natural to him. The hon. gentleman would now willingly disclaim many of the harsh expressions, much of the furious language in which he had formerly clothed his views.<sup>187</sup> L'hon. membre a enfin pris la place qui lui convient, dans son discours de ce soir, il s'est mis à la tête des "Eteignoirs" du Bas-Canada. Pour ma part, je suis content de me voir en opposition à ce monsieur sur ce terrain.<sup>188</sup> He now blamed the government for the Lower Canada School Law. Was that law passed by the present government? Did he not know perfectly well that it was passed by the late Administration? He (Mr. L.) was so convinced of the necessity of amending the School Bill introduced

by them, that<sup>189</sup>, bien que je sus qu'il était impopulaire; j'ai dit franchement au peuple lors de mon élection, qu'il fallait des taxes pour l'éducation, et Qu'après cette déclaration il vint m'élire ou me répudier, comme il lui plairait. Voilà ma position, la position d'un homme qui ne doit rien qu'à lui-même. Que l'hon. membre pour St-Maurice m'attaque, j'en suis content; mais qu'il n'attaque pas les représentants du pays<sup>190</sup>, although in opposition, he had tendered his assistance to make its provisions effective. Who was that administration composed of? Why, the brother and the uncle of the hon. member for St. Maurice.<sup>191</sup>

MR. PAPINEAU.--What of that?<sup>192</sup>

MR. AT. GEN. LAFONTAINE continued--What of that? Why that administration had kept the hon. member silent from the time that he returned to the Province.<sup>193</sup> The constitution had been the best in the world when his friends were in power; he (Mr. P.) never proposed any change then.<sup>194</sup> He is now, however, independent, at least in attempts to get a name for independence, and he says that the law is unpopular. Yes, it is unpopular, and although he used it as a means to inflame the masses and excite their worst passions, in order to put himself at their head, he (Mr. L.) was ready to meet him on that ground, and he would tell him he would rather lose his seat in that house than consent to allow the children of French Canadians to be brought up in ignorance. Well, the hon. member for St. Maurice said our constitution was a very bad one, that no honest man would take office. What was the reason it was so bad? Because a quorum consisted of only 20 members. (Hear, and laughter.) There was another reason, also. If under our institutions there were any possibility of having two or three Speakers instead of one, the hon. gentleman would not think it was quite so bad, and perhaps others would be found to agree with him in opinion. Well, when he (Mr. Lafontaine) took his seat in Parliament the first time, the House was composed of eighty-four members, and 21 formed a quorum, and there never was such a full attendance then as there was under present circumstances. Did he then find fault with the constitution because twenty-one members were a quorum? Not at all.<sup>195</sup> He (Mr. P.) sat in the House in Lower Canada from 1807 to 1831, where the same rules existed, without proposing any change.<sup>196</sup> He read from Mr. Christie's work an extract from a speech of Mr. Papineau attacking in very strong terms the constitution of 1796 which he now praised.<sup>197</sup> His speech of 1820 would make you believe that it was the best constitution in the world. But since he had been at Paris, he had discovered many abuses which never existed before, and had borrowed the language of the Marche aux Halles to heap on him and on his colleagues epithets, that he would not dare to use, were he not protected by the sanctity of the place.<sup>198</sup> The hon. member was not satisfied with what he had already done, his purposes were not accomplished. And now he wanted to effect another rebellion. The hon. member continued to read from Mr. Papineau's speech condemning the constitution above alluded to in being one in which the people did not exercise the control they should. The hon. member did not believe it was contrary to what he had said all his life.<sup>199</sup> He had associated with the Socialists of the present day--his friendships were with the men who played a part in the scenes of the revolution--but even those men were obliged to interfere. He had published a pamphlet, the effect of which was to alarm the English Government and largely increase the number of unfortunate people who were transported to Van Dieman's land. It was called "Letter the First;" was the second ever published? What was the reason it was never published? Because, as he (Mr. L.) had been told by a gentleman well acquainted with the details, the Socialists, the men of the revolution, saw the effect that letter would have, and prevented the publication of the second.<sup>200</sup>

MR. PAPINEAU said it was absolutely untrue.<sup>201</sup>



MR. AT. GEN. LAFONTAINE was sorry for that. They showed their goodness of heart by their conduct.--But there was one thing it was in vain to deny, that the publication of that pamphlet<sup>202</sup>, vut qu'il était propre à faire du tort à la cause de ses compatriotes qui subissaient alors leurs procès, en représentant les troubles sous la forme d'une trahison<sup>203</sup>, which had the effect of sending more of his compatriots to Van Diemens Land.<sup>204</sup> Il m'accuse de tenir beaucoup au pouvoir, mais je crois que mon caractère et mon passé démentent ces insinuations malignes.<sup>205</sup> His object as he (Mr. L.) was told, is now to get himself at the head of the masses by indulging in every kind of tirade. It was not at all unlikely that a man who had lost all the principles of honour which ought to distinguish a Canadian might think of doing so; but nevertheless he doubted it, for he like every one else had been struck with a feeling of surprise when he listened to his speech on the Seignorial Tenure.<sup>206</sup> Il est bien plus vrai de dire que l'hon. membre tient à ses titres Il est facile d'observer que les plus grands démocrates en public sont les plus grands aristocrates, quant il s'agit de leurs intérêts privés.<sup>207</sup> That speech showed that the hon. member for St. Maurice felt the truth of the saying, that if the Seigneurs did not facilitate the settlement of that question, they would be paid in five minutes, in accordance with the doctrines<sup>208</sup> destructeurs prêchés depuis la dernière révolution,<sup>209</sup> not by him but by the papers in his interest, and which he had only turned his back on<sup>210</sup> pour sauver ses terres incultes,<sup>211</sup> when he saw what it would lead to. He at length began to discover that society was based on the security of private property. That to destroy society would render the latter insecure. He immediately denied all his former opinions, he forgot everything unsuited to his new character--if it were conducive to his interests, he would at last forget the 92 resolutions. He saw the fatal result of the doctrines he had preached since his return from Paris, in the hope that he would get the Colonies to follow his guidance. He found to his surprise that his efforts were in vain. He now fell back. He is a Seigneur. He holds property. He must save it. He will therefore forget, deny every principle he advocated before<sup>212</sup>, comme je le démontrerai quand la question reviendra sur le tapis.<sup>213</sup> At the same time he must show his independence of character--for that purpose he must traduce his country men, he must traduce their representatives. It was not enough merely to say that Mr. Lafontaine was unworthy of office--that he was a despot--no; he must add that the whole body of Lower Canada representatives are servile<sup>214</sup>. Je demande de répondre si j'ai jamais demandé à l'un d'eux comment il voterait<sup>215</sup>. Cries of never<sup>216</sup>. Puisqu'il trouve la majorité si servile, pourquoi craint-il tant les applaudissements de la minorité, qui l'injurie pareillement en disant que<sup>217</sup> one side was as loud as the other. (Laughter.)<sup>218</sup> Dans cet état de dégénération, il n'y a qu'une seule consolation pour le pays,--un seul homme en qui il puisse espérer; il n'y a qu'un patriote honnête, courageux, consistant et véridique, et ce patriote, c'est l'hon. membre pour St. Maurice!!!<sup>219</sup> Let him beware how he indulged in those reckless attacks, let him attack himself (Mr. Lafontaine) he could bear it<sup>220</sup> ((but he)) would not ... for that might be attended with personal danger,<sup>221</sup> but let him cease to insult the representatives of Lower Canada, and through them the whole body of his countrymen. This was the second time he (Mr. Lafontaine) had replied to him this Session, he hoped he would not have to do so another time.<sup>222</sup>

MR. HOLMES read over Mr. Robinson's amendment.<sup>223</sup> ((He)) was surprised to hear declarations as had been made from the Treasury benches when complaints were so rife, and even uttered by the occupants of the Treasury benches. But a few days ago a member of that official body had expressed his conviction that the council does not possess the confidence of the country; and the fact then declared was notorious. He could not give his full support to the resolutions of the hon.



member for Toronto, because from the antecedents of that hon. member, he could not bring himself to believe that they were proposed in a strictly honest spirit.<sup>224</sup> Il a entendu répéter en chambre la veille que tout le pays gémit sous le poids des réserves du clergé, et en conséquence, il ne veut pas déclarer aujourd'hui que le peuple jouit de la liberté civile et religieuse.<sup>225</sup> For that reason his support of ((the resolutions)) ... would be partial.<sup>226</sup> A change in the Constitution was demanded by the people of every part of the Province. He meant a change to the Elective principle, a principle that was not advocated merely on his side of the House, but was approved of by many on the other side also. Yet that demand was now to be resisted and repulsed by the assertion that it was republican and revolutionary. Well, suppose it was republican. What then? Was not Britain a limited republic? Was not her Sovereign a limited Monarch. The efforts of Hampden, Sidney and Russell were directed towards that point, and fortunately the Sovereign is now obliged to govern strictly in accordance with the views of the people who had their power to effect such changes as they required from time to time.<sup>227</sup> He proceeded to argue against the present legislative council. He thought that it gained an unenviable notoriety.<sup>228</sup> He was surprised at the high toned loyalty of hon. gentlemen when speaking of these resolutions. It was a description of loyalty that had been once already termed spurious, it was not at all impossible that the same term would be applied to it again. One would think that Canada was a perfect elysium, where every thing was so perfect, that no change was needed but the truth was, it could bear no comparison with the neighbouring States, either in an agricultural, commercial, or political point of view, and he was desirous of such changes being brought as would place it in the same happy condition. He would therefore oppose the amendment of the hon. member for Simcoe, but at the same time, he must say that he could not support the resolutions before the House, as earnestly as if they emanated from any other member whose antecedents showed that he was sincere.<sup>229</sup>

MR. RICHARDS contended that comparison was not fair, seeing that the period was short since we had self government. This was the gem of all local improvement. He asked the hon. gentleman if he believed that a sudden change like that desired by the resolutions would make any immediate change in the condition of the country?<sup>230</sup> ((He)) was of opinion that the grand reason why the people of L. Canada were backward in agricultural and commercial enterprise was<sup>231</sup> the system of centralization which had existed there, and<sup>232</sup> because they wanted a spirit of self-reliance, and that they depended on the government to do everything for them. A direct change to republicanism would not effect a cure at once, for it was not the Government that formed the character, nevertheless, the Lower Canadians, if put in full possession of the Municipal system and taught to rely more on themselves would not be behind hand<sup>233</sup>, and ((would)) soon acquire a better system of agriculture.<sup>234</sup> They are now advancing in the right direction and in half a century more need not envy any part of the world. He did not see any necessity for discussing these resolutions now, but was of opinion that they would do a great deal better if they took up these practical measures the Province really required, than to waste time in discussing theories.<sup>235</sup>

COL. PRINCE spoke in favour of the resolutions. He had seconded them with great pleasure<sup>236</sup> ((and)) witnessed with sorrow the apathetic spirit in which<sup>237</sup> the House ... ((approached)) this great and important question.<sup>238</sup> He asked why they should shun this discussion? Why were the ministry silent on the subject of the resolutions?<sup>239</sup> There was not intellect enough on the other side of the House to meet them fairly.<sup>240</sup> There was nothing in the resolutions that would have the effect of severing the connection of this country from England. He was informed that the report of the Committee on Retrenchment was preparing to pave the way to

a new state of things. He understood that it was going to recommend that the salary of the Governor should be £3,500. This was well, but he would go a little further; and thought £1,000 more might have been taken off, and that \$10,000 was enough for a Governor that did nothing. He mentioned dollars. Dollars and cents were a better currency than ours. He then referred to the remarks of Mr. Sherwood of Toronto<sup>241</sup>, ((who)) stated that they were not supported by the opinions of one-third of his hon. friend's constituents. He knew better than that, for he had made himself acquainted with the views of the good people of Toronto--with whom, in fact, he had become very intimate, for he was not bound by any strict ideas of what is fashionable, but frequently smoked his cigar among them in the bar, acquiring useful information in the easy converse of sociality and at the same time enjoying himself--and he was confident that not only a large proportion of his hon. friend's constituents, but a very large proportion of the population of Canada were in favor of the principle of these resolutions<sup>242</sup>, and he believed that if the honble. member himself would speak his sentiments as frankly as he (Col. P.) did, that he would be found to be favourable to them.<sup>243</sup> Look at the movement in the Western country since he had the honor of taking his seat this Session. The Globe chose to assert for him--for he had not the slightest recollection of having uttered anything of the kind himself, but whatever the Globe said, must of course be true--that at the time of presenting his unfortunate Petition for Independence, he offered to resign on a requisition to that effect being signed by one hundred and fifty of his constituents. Well, what followed? A lot of noodles<sup>244</sup>, emissaries of the ministry<sup>245</sup>, scoured his county, in order to get a hundred and fifty names to the requisition<sup>246</sup>. Well, they had rode, and they had ran, and they had attempted to bribe his constituents to sign<sup>247</sup>. At length it came with the names of just six noodles attached to it; three of them signing with a cross, while one of the other three was a fellow of the name of Lafferte,<sup>248</sup> an ungrateful wretch<sup>249</sup> whom he had saved<sup>250</sup> gratis<sup>251</sup> from the punishment which he stood in danger of incurring from the share he had in a certain transaction. Now to apply the argument. He told the Attorney General when that petition was thrown out that very great dissatisfaction was felt throughout the country at the present stream of government; and the proof was, that after flattering and bribing his constituents only six ignorant names could be acquired for a requisition to recall him who desired to upset the Government.<sup>252</sup> He asserted there emphatically, from that his place in Parliament, as the representative of the County of Essex, that the country was dissatisfied with our present Government. He had listened with care to the hon. mover of the resolutions, and did not think that his arguments were to be got over by laughter and sneers.<sup>253</sup> The day would come, the day will come, it is now hastening in, when the people will insist on the changes proposed by his hon. friend and himself and would point the finger of scorn at the men who now oppose them--although convinced of their absolute necessity, and have no better way of getting rid of them than the very convenient method of treating them with lightness.<sup>254</sup> He referred to the attack made by the Attorney General East on the hon. member for St. Maurice. He would much have preferred to have heard the hon. member speak to the resolutions before the House. He did not think that the Speaker should have allowed the hon. member to tell another that he had stated an untruth, and knew it. Such language might lead to disagreeable ulterior results. He condemned the Attorney General East for inconsistency in voting for the 92 Resolutions and opposing<sup>255</sup> resolutions that were the same in principle<sup>256</sup>. He did not think that the hon. gentleman had any right to talk about inconsistency<sup>257</sup>; these resolutions ((which)) were exactly the same in effect as the 92 resolutions, they were to remedy the same abuse, but the fact was that the two Attorney Generals were proceeding in the right course and coming at last to a sense of their duty<sup>258</sup>. As to the Attorney General West he (Col. P.)<sup>259</sup> heard a great many curious things out of doors; he had con-



versed with some members of the County Council, and other persons from the Fourth Riding<sup>260</sup> who knew this county pretty well,<sup>261</sup> and the general opinion seemed to be that the Attorney General West was fast becoming a first rate Tory; that by the time this Parliament is out he will be a good<sup>262</sup> red hot, honest Tory--if there existed an honest Tory (Laughter) in the world.<sup>263</sup> The hon. member went on to condemn the anomalies of our present system of Government, referring sarcastically to making lawyers Commissioners of Board of Works, and paying Speakers of the two Houses a thousand pounds a-year for sitting in the chair three months in the year with cocked hats on. He believed that officers of the Public Works should be elective.<sup>264</sup> The Commissioner of Public Works should be a practical surveyor. The head of the department in England was the first man that the profession could produce, and any of the subordinates there could instruct the member for Lincoln in his duties, as they were all regular surveyors likewise. Having expressed his approval of the resolutions, although in other circumstances he would have gone further than they did, he would now examine the amendment. It said that they were deeply sensible of the advantages of the comments with Great Britain. Now, where were the advantages; when the Governor could put a spoke in the wheel they might have talked about them, but he was a mere puppet in the hands of his ministers. Where were they? He supposed the member for Simcoe would instance the fleets and armies of England which defended them. What did they want with them--who was going to attack them, peace and quietness reigned<sup>265</sup>, and nobody will dream of meddling with us.<sup>266</sup> Who was going to attack them he asked? Not their neighbours across the lines who looked upon them with a very friendly eye, and<sup>267</sup> take a great deal of interest in our progress<sup>268</sup>, to whom they were going on their knees for favours<sup>269</sup>. If they were all so bad, why did we desire reciprocity with them. He did not believe that any legislation of ours could get us that reciprocity as he had stated to his constituents, and in the house at Montreal. There was now no hope of getting it.<sup>270</sup>

MR. INSP. GEN. HINCKS--No, no.<sup>271</sup>

COL. PRINCE--Had the Bill been passed?<sup>272</sup>

MR. INSP. GEN. HINCKS--No.<sup>273</sup>

COL. PRINCE--Was there any hope of it being passed?<sup>274</sup>

MR. INSP. GEN. HINCKS--Yes.<sup>275</sup>

COL. PRINCE continued: He ... would hold him to his word; and write to his constituents, that he had the assurance of the third minister of the Crown that we were going to get reciprocity. He went on to show the distressing position in which the Western District were placed<sup>276</sup>. The hon. member for Simcoe spoke of the prosperity of the country, but if he would go through the Western country from London to Windsor, through lands in the Thames as fertile as those on the Ganges, on which they had grown wheat 25 years in succession without manure, and he would see no signs of prosperity or progress.<sup>277</sup> In the whole Western part of Canada they had not a market for a tree nor for a bushel of wheat. If he wanted to sell his wool and went to a store keeper to ask him what he would give for it, the reply would be "I will give you so much, but you must take your pay out of the store." Now this was degrading; it was a pretty country for a farmer to live in, because he has no market<sup>278</sup>, unless they took tea and sugar in exchange.<sup>279</sup> In his (Col. Prince's) letter to Mr. Rankin--a letter of which he should ever be proud--he had stated the true position of the country, and he would never cease to ring in the ears of the English ministry the injustice of withdrawing protection from us, and to tell them of the bad, infamous, oppressive government by which we are ruled.<sup>280</sup> Why had not<sup>281</sup> the Globe<sup>282</sup> or some other of the powerful Presses the Government



had at their command, not disproved all these statements? They had not done so, but only called him rebel and republican.<sup>283</sup> Not one of its positions had been overturned.<sup>284</sup> He (Mr. Prince) was a loyal man, insomuch as he would willingly lay down his life to defend the Queen from insult, but he was not ready to lay down to the sleepy, lazy state in which two thirds of Canada existed, or submit to the oppressive Government they were groaning under. He had proved that there was no prosperity in the Western part of the country. Toronto was not the country; it was prosperous from the seat of government, the magnificent harbour and the fine back country behind it which was near a market while the Western country was distant from it.<sup>285</sup> He had seconded the resolutions not that he was a republican, but that he desired a form of government suitable to the enlightenment of the age and as we were invited by England.<sup>286</sup> The young farmers of Canada possessed a great deal more energy than the same class in England, where the boys were tied to their mother's apron string at the age when they were doing for themselves in Canada. He maintained that they had a right to exercise that energy with the least possible restriction. He had no desire whatever to separate from Great Britain unless it were necessary, but he believed that the country would never be happy or prosperous until they were independent.<sup>287</sup> If we were independent she would be the most prosperous country in the world.<sup>288</sup> He still would remain attached to England by allowing her to nominate the Governor, if she desired it.<sup>289</sup>

MR. COM. PUB. WORKS MERRITT said that the member for Essex asked why the members of the government did not discuss these measures of reform, why they threw them out one after another without discussion. The reason was simply that the government had introduced a measure which embraced them all; they had proposed and carried the appointment of committee on the finances, before whom all these matters brought under the notice of the House by hon. members would be brought. The hon. member for Toronto had copied his resolutions from the State of New York constitution,<sup>290</sup> which he then had before him.<sup>291</sup>

MR. W. BOULTON (Toronto)--No they provide for the appointment of the Governor by England.<sup>292</sup> They were different in some particulars.<sup>293</sup>

MR. COM. PUB. WORKS MERRITT--Yes, in the matter of the Governor, the election of judges and the financial system.<sup>294</sup> In all essential particulars they were copied from the constitution of the State of New York.<sup>295</sup> Mais ... ce monsieur a mal interprété l'esprit de cette constitution<sup>296</sup>, and had therefore copied it improperly. That constitution was adopted in 1846 when they had a large public debt, with damaged credit, and they were forced to provide for its liquidation. They laid aside from the income of their Public Works, after paying the expense of repairs and working, \$200,000 per annum, for the expenses of their government, when a sum sufficient to pay off their debt by a particular year and the rest, if any, was to be devoted to new works on the extension of the old<sup>297</sup>, la partie financière de la constitution de l'état de New York est la meilleure du monde.<sup>298</sup> The member for Toronto had reversed this arrangement, he provided that three-fourths of the whole proceeds of the canals should be devoted to new works and to pay the debt out of the remainder.<sup>299</sup> The present government by the only legitimate means were attempting to follow<sup>300</sup> the same principle as in the State of New York with a small difference in the plan.<sup>301</sup> Les finances ne sont pas confiées à la législature, et le gouvernement propose d'en faire autant en Canada, et c'est pour cela qu'un comité du retranchement a été nommé. La dette de New-York doit être payée en 1869.<sup>302</sup> About the time (1846) the State of New York had a debt of £10,000,000 we have only a debt of £4,000,000, and by adopting a similar course<sup>303</sup>, he (Mr. M.) believed that by the year 1866 the whole debt of Canada might be paid off from the proceeds of the Public Works, which they had set apart for that purpose, and they had in addition their revenue from Custom duties which they owed to their connec-

tion with Great Britain, for carrying on in the government.<sup>304</sup> As to the elective Legislative Council that was in our power already, whenever the people desire that change the government must carry it out. He deprecated the attempt to bring about those constitutional changes in a single night. One member introduced one set of resolutions another a different set. In the State of New York a convention was called of the ablest men in the State upon the subject of the change in the constitution.<sup>305</sup> He was willing to acknowledge that there appeared a growing inclination to give further effort to the elective principle, and if the people desired it they would get it.<sup>306</sup> The resolutions of the League showed a growing desire in the minds of that class of the people for elective institutions, and he thought the same desire was felt by others. But we must not proceed too rapidly. The time to effect them was after a general election.<sup>307</sup> Since he read the speech of Lord J. Russell he had become satisfied that we were to have self Government.<sup>308</sup> He could not, however, vote for the resolutions of the member for Simcoe. The first was a very good one, but the second was objectionable.<sup>309</sup> He was not prepared to say that ((they)) were at present as prosperous as some of their neighbours<sup>310</sup>; it was only so relatively.<sup>311</sup> He was prepared to assert that under our present constitution we could become far more so.<sup>312</sup> It was true that it is more prosperous than it was twenty years ago; but not so prosperous as it should be<sup>313</sup>, and we should send out no statements from this body which is (sic) not strictly true.<sup>314</sup>

MR. H. BOULTON (Norfolk) said, he was glad to hear the admission, that the country desired an elective Legislative Council. He proceeded to condemn the manner in which the public money had been expended<sup>315</sup> without receiving consent of Parliament<sup>316</sup>. He thought it too bad that £9,000 should be paid for the Montreal police force, or as they were facetiously (sic) called "Prairie Hens," he believed because they were afraid of going into town during the disturbances, and when they did go, affording sport for little lads. Then another sum; they had spent £3,000 in trying to find out who burnt the parliament, and they had not found it out yet. What was the use of Crown Officers if they did not do their duty? He contended that this is a control which the ministry should not be allowed to have over the public money.<sup>317</sup> He referred to ... the depreciation of our credit and to the defect which the Ministry had suffered in Halton, for appointing an Assistant Commissioner of Public Works contrary to the retrenchment views of the people.<sup>318</sup> He ridiculed (sic) the present system of appointing the Legislative Council. What was the government now? A mere democratic oligarchy in the hands of three or four individuals. The cry had always been raised against change. When responsible government was proposed they heard the cry that it would separate (sic) this country from England; yet those who cried against it, soon fell into the plan and worked to carry it out; and it would be the same with the system now proposed. He concluded by stating that none but knaves or fools would ridicule (sic) argument they could not answer.<sup>319</sup>

COL. GUGY asked him to make an application of the terms.<sup>320</sup>

MR. INSP. GEN. HINCKS was astonished that the member for Norfolk, who had formerly advocated responsible government, should now support a new system which would inevitably lead to separation from Great Britain. He was not prepared to say that no reforms could be made on our present system,<sup>321</sup> he did not believe that Responsible Government was a finality. (Hear, hear.)<sup>322</sup>, but he regarded it as a means of obtaining the correction of all abuses.<sup>323</sup> He had a firm belief that if the changes were made as proposed by members opposite, the result would be separation from the Mother Country, who would no longer consent to protect and assist us, when she was denied the slightest influence over us. He could see the propriety of the Annexationists advocating such a measure, but in those who, like the member for Norfolk, professed loyalty, it was utterly inconsistent. The people of this country, he was confident, and he knew them well, were not prepared to give up the system of Responsible Government which they demanded and received, for the new republican



scheme of the member for Toronto. In Lower Canada they had not even adopted municipal institutions or submitted to local taxation; he did not think them less fitted to work these Institutions than the people of Upper Canada, but they had not been introduced till lately, because before the union they had an ample revenue to pay all the expenses of local as well as general government. At a late attempt to introduce taxation serious riots had taken place, and it would take time to reconcile them to it. The member for Norfolk spoke of the censure which the government, as he had said, had received from the County of Halton for the appointment of the Assistant Commissioner of Public Works. He did not consider that any censure had been pronounced by the friends of the Administration; the member was returned by a very small majority of its better opponents; in one township, it was true, some friends of government had been led away, who had already found out their error and repented it. His late lamented friend the Assistant Commissioner, was not alone responsible for the appointment; the whole government was answerable, yet, his hon. friends for Lincoln and Quebec, had been reformed by the people. How could that have been the case if the whole country were against it. He (Mr. H.) was prepared to stand or fall by that appointment; if his party would not support him in it, he was ready to retire from Parliament altogether. He knew that the people of Upper Canada would have been incensed if it had been attempted to carry on the public works by a French Canadian alone; the same feeling would exist in Lower Canada if an Upper Canadian were to do so, and the only course to secure public confidence to the department was to give a representative in it to each section. Reference had been made to the difficulty of obtaining money in the English market on Canadian securities as compared with American. Now, he had lately learnt that of the large sums invested in American securities, a great portion came from the continent, where, of course, we could not expect to be as well known as our neighbours. Even with this advantage in their favour, however, which would be speedily removed by the increase of our foreign trade, the stocks of many of the States did not stand so high as ours; Ohio taxes as well as others were quoted below par. He thought that the resolutions were properly characterised by the member for Simcoe, and he would support his amendments although he had not thought the matter of sufficient importance to call for them; as they had been brought forward he would support them.<sup>324</sup>

MR. WILSON said this discussion had already cost £800, and he did not wish to prolong it. He only desired to contradict the assertion of the member for Essex, that the Western country was not in a prosperous condition. If they had heard the sum which he (Mr. W.) knew had been offered for his Park farm, they would know what reliance to place on his statement. The hon. member then proceeded to show that we possessed as good a market as the Americans did, and to point out the difference in the time which it took to clear our lands, from that of the Western States, on account of the different character, and the emigrants to Canada being generally from Europe, unaccustomed to the bush, while many of the settlers in the States were from the more Easterly States, and accustomed to the habits of the country. That accounted for us taking a somewhat longer time than the Western States to arrive at the same state of prosperity, but it was only a question of time.<sup>325</sup>

MR. CAUCHON proposed an amendment which would express his views, as he did not wish to lay it down as a general principle that he was opposed to changes in the Constitution. He was opposed to the adoption of these resolutions.<sup>326</sup>

MR. ROSS was sure that the amendment of the member for Simcoe would be responded to by almost every member in the House. The Government under which we live, is as free as any in the world, and few countries afford the same protection to life and property that we enjoy here.<sup>327</sup>



MR. W. BOULTON (Toronto) replied at some length to the speeches against his motion, taking the same ground as at the opening--not forgetting the hammers, which he appeared to look upon as the type of elective and non-elective Legislative Councils.<sup>328</sup> He defended himself from the insinuations that had been made on him, that he was desirous of severing the connection with the mother country. He complained that no attempt had been made to answer his arguments. No attempt had been made to reply to the fact that Rhode Island and Connecticut had been the last to throw off their allegiance to England. He desired to preserve the connection. With reference to the system of Municipalities, it was true that he had opposed its introduction some years ago under the belief that it was republican and revolutionary; but since he had seen that they had conferred great benefits on the country; and he now strongly believed in their utility.<sup>329</sup>

COL. PRINCE stated in answer to a remark of Mr. Wilson, that property in the Western District was worse than nothing at all.<sup>330</sup>

DR. DAVIGNON said he would vote against the amendment, as it was useless to repeat incessantly the expressions it contained. He would vote against the resolutions because the matter of them had been decided for the twentieth time already.<sup>331</sup>

MR. CAUCHON was allowed to withdraw his amendment.<sup>332</sup>

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*Mr. Cauchon moved in amendment to the said proposed Amendment, seconded by Mr. Polette, That the words "marks with decided disapprobation and reprehension all such attempts to disturb the Constitution as tending" be left out, and the words "disapproves of and repudiates these daily attempts at irrational changes in the Constitution, which tend" inserted instead thereof;*

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*And the Question being put on the Amendment to the proposed Amendment to the Original Question; the House divided: and the names being called for, they were taken down, as follow:--*

YEAS.

*Messieurs Armstrong, Bouthillier, Cauchon, Fortier, Guillet, Méthot, Polette, Sauvageau, and Taché,--(9.)*

NAYS.

*Messieurs Attorney General Baldwin, Bell, Boulton of NORFOLK, Boulton of TORONTO, Burritt, Cameron of CORNWALL, Cartier, Christie, DeWitt, Dickson, Solicitor General Drummond, Duchesnay, Dumas, Fournier, Hall, Hincks, Holmes, Jobin, Johnson, Lacoste, LaTerrière, Laurin, Lyon, Solicitor General Macdonald, Sir Allan N. MacNab, Malloch, McConnell, Meyers, Mongenais, Morrison, Notman, Papineau, Prince, Richards, Robinson, Ross, Sanborn, Scott of TWO MOUNTAINS, Seymour, Sherwood of BROCKVILLE, Sherwood of TORONTO, Smith of FRONTENAC, Smith of WENTWORTH, Stevenson, Viger, and Wilson.--(46.)*

*So it passed in the Negative.*

*And the Question being put on the Amendment to the Original Question; the House divided: and the names being called for, they were taken down, as follow:--*

YEAS.

*Messieurs Armstrong, Attorney General Baldwin, Bell, Bouthillier, Burritt, Cameron of CORNWALL, Dickson, Solicitor General Drummond, Duchesnay, Fortier, Fournier, Guillet, Hall, Hincks, Jobin, Johnson, Lacoste, LaTerrière, Laurin, Lyon, Solicitor General Macdonald, Sir Allan N. MacNab, Malloch, Méthot, Meyers, Morrison, Notman, Polette, Richards, Robinson, Ross, Sauvageau, Scott of TWO MOUNTAINS, Seymour, Sherwood of BROCKVILLE, Sherwood of TORONTO, Smith of FRONTENAC, Smith of*

WENTWORTH, Stevenson, Taché, Thompson, and Wilson.--(42.)

NAYS.

Messieurs Boulton of NORFOLK, Boulton of TORONTO, Cauchon, Christie, Davignon, DeWitt, Dumas, Holmes, McConnell, Mongenais, Papineau, Prince, and Sanborn.--(13.)

So it was resolved in the Affirmative.

Then the main Question, so amended, being put; the House divided: and the names being called for, they were taken down as in the last preceding division.

So it was resolved in the Affirmative.

Resolved, That this House is deeply sensible of and grateful for the inestimable advantages derived by this Province from its connection with the United Kingdom Of Great Britain and Ireland, under a Constitution as nearly resembling that of the Parent State as the difference of circumstances admits:

That under this Constitution, Canada has advanced to a high degree of prosperity, and its inhabitants are in the enjoyment of civil and religious liberty; and by just and equitable laws are fully protected in life, person, and property:

That this House takes the opportunity, upon the introduction of propositions of a Revolutionary and Republican character, to declare its firm attachment to the Crown and Government of Great Britain, and its determination to maintain the connection with the Mother Country unimpaired by whomsoever it may be assailed:

That this House marks with decided disapprobation and reprehension all such attempts to disturb the Constitution, as tending to agitate the public mind, to strengthen the erroneous impression which now exists in Great Britain, that Canada desires to sever its connection with the Empire, thereby preventing the introduction of British Capital into the Province, and diverting the tide of Emigration from Great Britain to other and more quiet countries:

That an humble Address be presented to Her Majesty founded on the foregoing Resolution.

Mr. Boulton of Toronto moved, seconded by Mr. Prince, and the Question being put, That in the opinion of this House, the Constitution and form of Government which would best adapt themselves to the People of this Colony are not to be looked for solely in the analogies offered by the Institutions of Great Britain, where the social condition of the people, their wants and requirements, are altogether different from our own:

That this House is of opinion than an extension of the elective system would be congenial with and better adapted to the wishes, manners and social state of the Inhabitants of Canada than our present system:

That the extension of the elective principle is not inconsistent with our allegiance to, and continued connexion with, Great Britain; experience having shewn that two of the old English Colonies of this Continent, Connecticut and Rhode Island, enjoying Constitutions under which the three branches of the Legislature were elected by the People, remained closely and affectionately connected with Great Britain for a long course of years, and were the last to enter into a Confederation, and separate from Great Britain:

That Lord John Russell, Prime Minister of the British Empire, having during the present Session stated in the Imperial Parliament "That the true way to govern British subjects in the Colonies is to allow them to govern themselves; that the Colonies form part of the strength of the Empire; that it is of the utmost importance that those supports of the Imperial authority should be retained, through which that commerce which penetrates every part of the Globe is maintained; that, foreign relations alone excepted, they were prepared to concede to the Colonies the full liberty of governing themselves," the time has arrived when



such amendments in our Constitution and form of Government as are required to give satisfaction to the people of Canada may be submitted to the Imperial Government for their approval, with the confident hope that if just and reasonable they will be granted:

That the Government of this Colony should possess as fully and freely the right and power to do within its limits, without check, control or intervention of any kind, every thing that the Imperial Parliament can do within the limits of the British Isles, with the exception of regulating relations with Foreign Powers:

That the following provisions for the Amendment of our Constitution be referred to the Select Committee appointed to enquire into the state of the Public Income and Expenditure of the Province, with a view of considering their adaptation to the circumstances of the Canadian People, and, if concurred in, to report an Address to Her Majesty and the Imperial Parliament, praying that the same or such parts thereof as shall be approved of, with any alterations or amendments adopted in Committee, may be incorporated into our Constitution and form part thereof:--

The Legislative powers of this Province shall be vested in a Legislative Council and House of Assembly.

The Legislative Council shall consist of Members, who shall be British subjects not less than thirty years of age, and possessed of real estate within the Province, of the value of not less than £ lawful money of Canada, free from all incumbrances, and to be elected for years, by persons resident in this Province possessed to their own use of real estate of the annual value of £ or who shall pay an annual rent of £ for real estate occupied by

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such voter.

The House of Assembly shall consist of Members possessing real estate within the Province, of the value of not less than £ lawful money of Canada, free from all incumbrances, to be elected for years, by persons qualified as now provided by law.

The Province shall be divided into Districts, to be called Council Districts, each of which shall choose one Councillor; the Districts to be numbered from one to inclusive; such Districts to be composed respectively of such Counties, or Unions of adjacent Counties, as shall respectively decennially be found to contain as nearly as such Unions will permit, an equal part of the Population of the Province.

The Members of the House of Assembly shall be apportioned among the several Counties of this Province by the Legislature, as nearly as may be according to the number of their respective inhabitants, and shall be chosen by single Districts; the said Counties to be divided into Assembly Districts, and each Assembly District shall contain as nearly as may be an equal number of inhabitants, and shall consist of convenient and contiguous territory; the Members of the said House of Assembly to be reapportioned, in manner aforesaid, among the several Counties of the Province every ten years.

The Members of the House of Assembly shall receive for their services, a sum not exceeding fifteen shillings a-day, from the commencement of the Session, but such pay shall not exceed in the aggregate Seventy-five pounds for per diem allowance, except in proceedings for Impeachment: when convened in extra Session, by the Governor, they shall receive fifteen shillings per day; they shall also receive the sum of five shillings for every ten miles they shall travel in going to and returning from their place of meeting on the most usual route. The Speaker of the Legislative Assembly shall receive an additional compensation equal to one-



half of his per diem allowance as Member.

No Member of the Legislature shall receive any civil appointment within this Province from the Governor, the Governor and Legislative Council, or from the Legislature, during the term for which he shall have been elected; and all such appointments shall be void.

The Elections of Members of the Legislative Council and Legislative Assembly shall be held on the Tuesday succeeding the first Monday of November, unless otherwise directed by the Legislature.

No Bill shall be passed unless by the assent of a majority of all the Members elected to each Branch of the Legislature; and the Question upon the final passage shall be taken immediately upon its third reading, and the yeas and nays entered on the Journals.

No Private or Local Bill which may be passed by the Legislature, shall embrace more than one subject, and that shall be expressed in the Title.

The Executive power shall be vested in a Governor: a Lieutenant Governor shall be appointed at the same time.

The Governor and Lieutenant Governor shall be persons having a permanent interest in the Province in common with its inhabitants.

The Governor shall be appointed by the Crown, for life, for a term of years, or during pleasure, or elected by the People for                      years; if elected by the People, no one shall be eligible who has not been five years next preceding his election a resident of the Province.

Should the Crown not appoint the Governor, the Governor and Lieutenant Governor shall be elected at the times and places of choosing Members of the Assembly by the parties entitled to vote for such Members; the persons respectively having the highest number of votes for Governor and Lieutenant Governor shall be elected, but in case two or more shall have an equal and the highest number of votes for Governor or for Lieutenant Governor, the two Houses of the Legislature at its next annual Session shall forthwith, by joint ballot, choose one of the said persons so having an equal and the highest number of votes for Governor or Lieutenant Governor; but if the Lieutenant Governor only is elected, he shall be elected at the time and place, and in the manner in this section provided for the election of Governor and Lieutenant Governor.

No person except a British born subject shall be eligible to the office of Governor, nor shall any person be eligible to that office who shall not have attained the age of thirty years.

The Governor shall have power to convene the Legislature (or Legislative Council only) on extraordinary occasions: he shall communicate by message to the Legislature at every Session the condition of the Province, and recommend such matters to them as he shall judge expedient: he shall transact all necessary business with the Officers of the Government: he shall expedite all such measures as may be resolved upon by the Legislature, and shall take care that the laws are faithfully executed: he shall at stated times, receive for his services, a compensation to be established by law, which shall neither be increased nor diminished during his continuance in office.

In case of Impeachment of the Governor, or his removal from office, death, inability to discharge the powers and duties of the said office, resignation, or absence from the Province, the powers and duties of the office shall devolve upon the Lieutenant Governor for the residue of the term, or until the inability shall cease.

The Lieutenant Governor shall be a British born subject of not less than thirty years of age, and who shall have been a resident inhabitant of the Province five years next preceding his nomination or election: he shall be President of the Legislative Council, but shall only have a casting vote therein.

If, during a vacancy of the office of Governor, the Lieutenant Governor shall be impeached, displaced, resign, die, or become incapable of performing the duties of his office, or be absent from the Province, the President of the Legislative Council shall act as Governor until the vacancy be filled, or the disability shall cease.

The Lieutenant Governor shall, while acting as such, receive a compensation which shall be fixed by law, and which shall not be increased or diminished during his continuance in office.

Every Bill which shall have passed the Legislative Council and House of Assembly shall, before it becomes law, be presented to the Governor: if he approves he shall sign it, but if not he shall return it with his objections to that House in which it shall have originated, who shall enter the objections at large on their Journals, and proceed to re-consider it. If after such re-consideration two-thirds of the Members present shall agree to pass the Bill, it shall be sent, together with the objections, to the other House, by which it shall likewise be re-considered; and if approved by two-thirds of all the Members present it shall become a law notwithstanding the objections of the Governor. But in all such cases the votes of both Houses shall be determined by yeas and nays, and the names of the Members voting for and against the Bill shall be entered in the Journal of each House respectively. If any Bill shall not be returned by the Governor within ten days (Sundays excepted) after it shall have been presented to him, the same shall be a law in like manner as if he had signed it, unless the Legislature shall,

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by their adjournment, prevent its return, in which case it shall not be a Law.

The Governor shall nominate, and by and with the advice and consent of the Legislative Council, shall appoint a Provincial Secretary, an Inspector General, Receiver General, Commissioner of Crown Lands, two Attornies General, one for Upper and one for Lower Canada, and a Provincial Engineer and Surveyor, who shall hold their offices for the same term as the Members of the House of Assembly, each of whom shall at stated times, during his continuance in office, receive for his services a sum not exceeding £500 per annum, and which shall not be increased or diminished during the term for which he shall have been appointed, nor shall he receive to his use any fees or perquisites of office or other compensation; but no person shall be appointed to the office of Provincial Surveyor and Engineer who is not a practical Engineer.

The Governor may require the opinion in writing of the Principal Officers in each of the Executive Departments, upon any subject relating to the duties of their respective offices.

The Governor shall nominate, and by and with the advice and consent of the Legislative Council, shall appoint the Judges of all the Courts of Law, and all other Officers of the Province whose appointments are not herein otherwise provided for, and which shall be established by Law; but the Legislature may, by Law, vest the appointment of such inferior Officers as they think proper, in the Governor alone, in the Courts of Law, or in the heads of Departments.

All other Officers, except those mentioned in the last section, and all Justices of the Peace for the several Counties in the Province, to be nominated and appointed by the respective Municipal Councils of the different Counties in which such Officers are appointed, regard being had to the just claims of present incumbents.

The Receiver General, Inspector General, and Commissioner of Crown Lands, may be suspended from office by the Governor during the recess of the Legislature, and until thirty days after the commencement of the next Session of the Legislature, whenever it shall appear to him that such Receiver General, Inspector General, or



Commissioner of Crown Lands, has in any particular violated his duty. The Governor shall appoint a competent person to discharge the duties of the office, during such suspension, of the Receiver General, Inspector General, or Commissioner of Crown Lands.

The House of Assembly shall have the power of Impeachment, by the vote of a majority of all the Members elected.

The Court for the trial of Impeachment shall be composed of the President of the Legislative Council, the Members of the Legislative Council, or a major part of them, and the Judges of the Court of Appeals, or the major part of them. On the trial of an Impeachment against the Governor, the Lieutenant Governor shall not act as a member of the Court. No Judicial Officer shall exercise his office after he shall have been impeached, until he shall have been acquitted. Before the trial of an Impeachment, the Members of the Court shall take an oath or affirmation truly and impartially to try the Impeachment according to evidence; and no person shall be convicted without the concurrence of two-thirds of the members present. Judgment in cases of Impeachment shall not extend further than to removal from office, or removal from office and disqualification to hold or enjoy any office of honor or trust, or profit under this Province; but the party impeached shall be liable to indictment and punishment according to Law.

Justices of the Court of Queen's Bench, of the Common Pleas, the Chancellor or Vice-Chancellor, and the Judges of the several County Courts in Upper Canada, the Justices of the Superior Courts, of the Circuit Courts, the Judges of the Court of Appeals, and the several District Judges in Lower Canada, may be removed by the concurrent Resolution of both Houses of the Legislature, if two-thirds of all the Members elected to the House of Assembly, and a majority of all the Members elected to the Legislative Council concur therein; but no removal shall be made unless the cause thereof be entered on the Journals, nor unless the party complained of shall have been served with a copy of the complaint against him, and shall have had an opportunity of being heard in his defence. On the Question of removal, the yeas and nays shall be entered on the Journals.

Justices of the Peace may be removed after due notice, and an opportunity of being heard in their defence by such County, City, or other Courts as may be prescribed by Law, for causes to be assigned in the order of removal.

The Legislature shall, at its first Session, after the adoption of any amendment of the Constitution, provide for the appointment of three Commissioners for each Province, whose duty it shall be to revise, reform, simplify, and abridge the rules and practice of pleadings, forms and proceedings of the Courts of Record of both sections of this Province, and to report thereon to the Legislature, subject to their adoption and modification from time to time.

After paying expenses of collection, superintendence, and ordinary repairs, there shall be appropriated and set apart in each fiscal year, commencing on the first day of 185 , three-fourths of the revenue of the Provincial Canals, as a fund--first, for the construction of Railroads from the Western Frontier of this Province to the Ocean, as a means of facilitating the transport of our agricultural products to the markets of the world at all seasons of the year, and, secondly, for the redemption of that part of the Provincial Debt incurred in constructing its Canals and Railroads; and the principal and income of the said sinking fund shall, after such Railway communication is completed, be sacredly applied to pay the said debt incurred for such causes.

The Legislature shall not sell, lease, or otherwise dispose of any of the Canals of the Province, but they shall remain the property of the Province, and under its management, for ever.

No money shall ever be paid out of the Treasury of this Province, or any of its funds, or any of the funds under its management, except in pursuance of an



appropriation by Law, nor unless such payment be made within two years next after the passage of such Appropriation Act; and every such Law making a new appropriation, or containing or reviving an appropriation, shall distinctly specify the sum appropriated, and the object to which it is to be applied; and it shall not be sufficient for such Law to refer to any other Law to fix such sum.

No debt shall be hereafter contracted by or on behalf on this Province, unless such debt shall be authorized by a Law for some single work or object to be distinctly specified therein, and such Law shall impose and provide for the collection of a direct annual tax, to pay, and sufficient to pay, the interest on such debt as it falls due, and also to pay and discharge the principal of such debt within twenty years from the time of the contracting thereof.

No such Law shall take effect until it shall, at a general Election, have been submitted to the People, and have received a majority of all the votes cast for and against it at such Election.

On the final passage of such Bill in either House of the Legislature, the Question shall be taken by yeas and nays, to be duly entered in the Journals

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thereof, and shall be "Shall this Bill pass, and ought the same to receive the sanction of the People?"

The Legislature may at any time after the approval of such Law by the People, if no debt shall have been contracted in pursuance thereof, repeal the same, and may at any time by Law forbid the contracting of any further debt or liability under such Law; but the tax imposed by such Act in proportion to the debt and liability which may have been contracted in pursuance of such Law shall remain in force and be irrepealable, and be annually collected until the proceeds thereof shall have made the provision hereinbefore specified to pay and discharge the interest and principal of such debt and liability.

The money arising from any loan or stock creating such debt or liability shall be applied to the work or object specified in the Act authorizing such debt or liability, or for the repayment of such debt or liability, and for no other purpose whatever.

No such Law shall be submitted to be voted on within three months after its passing, or at any general Election, when any other Law or Bill shall be submitted to be voted for or against.

Every Law which imposes, continues, or revives a tax, shall distinctly state the tax and the object to which it is to be applied, and it shall not be sufficient to refer to any other Law to fix such tax or object.

On the final passage in either House of the Legislature of every Act which imposes, continues or revives a tax, or creates a debt or charge, or makes, continues or revives any appropriation of public or trust money or property, or releases, discharges or commutes any claim or demand of the Province, the Question shall be taken by yeas and nays, which shall be duly entered on the Journals, and three-fifths of all the Members elected to either House shall in all such cases be necessary to constitute a quorum therein.

Corporations may be formed under general Laws, but shall not be created by special Act except in cases where, in the judgment of the Legislature, the objects of the corporation cannot be attained under general Laws. All general Laws and special Acts passed, pursuant to this section, may be altered from time to time, or repealed.

The Legislature shall have no power to pass any Act granting any special Charter for Banking purposes; but corporations or associations may be formed for such purposes under general Laws.

The Legislature shall have no power to pass any Law sanctioning in any manner, directly or indirectly, the suspension of specie payments by any person, association or corporation issuing Bank Notes of any description.

The political year and Legislative term shall begin on the first day of January, and the Legislature shall every year assemble on the first Tuesday in January, unless a different day shall be appointed by Law.

The Governor shall nominate, and with the consent of the Legislative Council appoint all Militia Officers.

A Crown Prosecutor, to be called the County Attorney, shall be chosen by the Municipal Council of each County once in every three years, and as often as vacancies shall happen, whose remuneration shall be fixed by Law.

The Civil List to be surrendered to the control of the Canadian Legislature.

The Legislature may provide by Law for altering and amending the Constitution from time to time.

The House divided: and the names being called for, they were taken down, as follow:--

YEAS.

Messieurs Boulton of TORONTO, DeWitt, Holmes, McConnell, Papineau, Prince, and Sanborn.--(7.)

NAYS.

Messieurs Armstrong, Attorney General Baldwin, Bell, Bouthillier, Burritt, Cameron of CORNWALL, Cartier, Cauchon, Davignon, Dickson, Solicitor General Drummond, Duchesnay, Dumas, Fortier, Fournier, Guillet, Hall, Hincks, Jobin, Johnson, Lacoste, Laurin, Solicitor General Macdonald, Sir Allan N. MacNab, Malloch, Méthot, Meyers, Mongenais, Morrison, Polette, Richards, Robinson, Ross, Sauvageau, Scott of TWO MOUNTAINS, Seymour, Sherwood of BROCKVILLE, Sherwood of TORONTO, Smith of FRONTENAC, Smith of WENTWORTH, Stevenson, Taché, Viger, and Wilson.--(44.)

So it passed in the Negative.

Committee to draw up Address to Her Majesty.

The Honorable Mr. Robinson moved, seconded by Mr. Malloch, and the Question being proposed, That a Select Committee, composed of Sir Allan N. MacNab, the Honorable Mr. Sherwood, Mr. Stevenson, the Honorable Mr. Cameron of Cornwall, and the mover, be appointed to prepare and report the draught of an humble Address to Her Majesty, in conformity with the Resolution adopted this day.

The Honorable Mr. Hincks moved in amendment to the Question, seconded by Mr. Ross, That after the word "Cornwall" the words "the Honorable Mr. Attorney General Baldwin, Mr. Solicitor General Drummond, Mr. Bouthillier, Mr. Wilson, and Mr. Méthot" be inserted;

And the Question being put, That those words be there inserted:--It was resolved in the Affirmative.

Then the main Question, so amended, being put;

Resolved, That a Select Committee, composed of the Honorable Mr. Robinson, Sir Allan N. MacNab, the Honorable Mr. Sherwood, Mr. Stevenson, the Honorable Mr. Cameron of Cornwall, the Honorable Mr. Attorney General Baldwin, Mr. Solicitor General Drummond, Mr. Bouthillier, Mr. Wilson, and Mr. Méthot, be appointed to prepare and report the draught of an humble Address to Her Majesty, in conformity with the Resolution adopted this day.

Orders deferred.

Ordered, That the Orders of the day be postponed until tomorrow.

Then, on motion of Mr. Solicitor General Macdonald, seconded by Mr. Richards, The House adjourned.

APPENDIX: 24 JUNE 1850.

((NOTICE OF MOTION RE: GRAMMAR SCHOOLS IN UPPER CANADA.))<sup>333</sup>

MR. INSP. GEN. HINCKS gave notice of a bill for the<sup>334</sup> better establishment and maintenance in Grammar Schools in Upper Canada.<sup>335</sup>

((QUESTION AND ANSWER RE: EXPENSES OF CITY OF HAMILTON.))

SIR ALLAN MACNAB ((asked)) a question as to the repayment by the Government of the expenses incurred by the Corporation of the City of Hamilton in assisting emigrants.<sup>336</sup>

MR. INSP. GEN. HINCKS and MR. AT. GEN. BALDWIN explained that the balance of the emigrant tax, after paying the other expenses would be distributed among the corporations; the amount which would fall to the share of the Hamilton Corporation would be known shortly.<sup>337</sup>



FOOTNOTES: 24 JUNE 1850.

1. The following papers reported the debate on this matter in identical accounts: GLOBE, 27 June 1850, EXAMINER, 26 June 1850, and NORTH AMERICAN, 25 June 1850. The debate on this matter was also reported by: MONTREAL GAZETTE, 28 June 1850; BRITISH COLONIST, 28 June 1850; KENT ADVERTISER, 4 July 1850; LA MINERVE, 1 July 1850; JOURNAL DE QUEBEC, 2 July 1850; and L'AVENIR, 6, 9, 12 July 1850. The BRITISH COLONIST, 25 June 1850; and PILOT, 29 June 1850, noted the debate. The BRITISH COLONIST, 25 June 1850 noted: "A little skirmishing took place between Messrs. Papineau and Lafontaine, on some old differences; the latter gentleman being somewhat severe in his personal allusions." Commentaries also appeared in PILOT, 29 June 1850; and MONTREAL TRANSCRIPT, 2 July 1850.
2. MONTREAL GAZETTE, 28 June 1850.
3. BRITISH COLONIST, 28 June 1850.
4. MONTREAL GAZETTE, 28 June 1850.
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- 329. MONTREAL GAZETTE, 28 June 1850.
- 330. IBID.
- 331. GLOBE, 27 June 1850.
- 332. IBID.
- 333. The following papers reported the exchange on this motion in identical accounts:  
EXAMINER, 26 June 1850, and NORTH AMERICAN, 28 June 1850, and 2 July 1850.
- 334. NORTH AMERICAN, 28 June 1850.
- 335. IBID., 2 July 1850.
- 336. GLOBE, 27 June 1850.
- 337. IBID.

TUESDAY, 25 JUNE 1850.

(94)

Petitions  
brought up.

THE following Petitions were severally brought up, and laid on the table:--

By Mr. Holmes,--The Petition of the Mayor, Aldermen, and Citizens of the City of Montreal.

By the Honorable Mr. Cameron of Kent,--the Petition of Captain Edward Boxer, C.B. and others, shipbuilders and merchants of Quebec.

By Mr. Gugy,--The Petition of G.F. Bowen, and others, Trustees of the Sherbrooke Academy.

By Mr. Mongenais,--The Petition of J.W. Parent and others, of the Parish of St. Zotique, County of Vaudreuil.

By Mr. Taché,--The Petition of J.B. Beaulieu, Esquire, and others, of the Township of Whitworth, County of Rimouski; and the Petition of the Reverend

(95)

G.S. Marceau and others, of the Parish of St. Simon, County of Rimouski.

By the Honorable Mr. Price,--the Petition of the Mayor and Town Council of the Town of Cobourg.

By Mr. Bell,--The Petition of William Millar and others, of Upper Canada.

Resolved, That the Petition of Leonard Misener and others, of the Township of Wainfleet, be referred to a Select Committee, composed of Mr. McFarland, Mr. Prince, Mr. Smith of Frontenac, Mr. Smith of Durham, and Mr. Wilson to examine the contents thereof, and to report thereon with all convenient speed; with power to send for persons, papers, and records.

Berthier Mu-  
nicipalities  
Bill.

An engrossed Bill to remedy an error in the Act dividing the County of Berthier into two Municipalities, was, according to Order, read the third time.

Resolved, That the Bill do pass.

Ordered, That Mr. Armstrong do carry the Bill to the Legislative Council, and desire their concurrence.

Public Works  
Companies  
Bill.

The Order of the day for the second reading of the Bill to extend the Act for the formation of Companies for constructing Roads and other Works, to Companies formed for the purpose of acquiring Public Works of a like nature, being

read;<sup>1</sup>

MR. INSP. GEN. HINCKS moved the second reading of his bill to extend the provisions of the Act of last session, incorporating road companies, to companies which may be formed to buy the public roads of the Province<sup>2</sup> and other Public Works of a like nature.<sup>3</sup> He could not understand what was the objection which the member for Norfolk intended to advance against so simple and necessary a measure. Without it, the Government would be unable to dispose of the roads on the best terms, as they would be compelled to sell to Companies already formed or to the Municipalities.<sup>4</sup>

MR. H. BOULTON (Norfolk) contended that the Government roads about to be sold were of a national character and of great value and extent, £50,000 having been refused for one section of them, and they should not be sold to companies having the same powers as those which made short ones. He was very strongly in favour of the Municipal Councils buying the roads, and that the Government should accept any reasonable offer rather than sell them to speculators; if any profit was to

be derived from them it should be by the people themselves, who had been taxed to pay for their construction. He thought that too great powers had been assumed by the Government in offering the roads for sale.<sup>5</sup>

MR. INSP. GEN. HINCKS said he was obliged to the hon. and learned members for Norfolk, for the hints which he had thrown out. It should be observed, that the present Bill does not give the Government any powers, which it did not already possess under the Act of the last session, and it was a remarkable fact, that when he Mr. H. introduced that Act, it did not extend to companies; and it was owing to the suggestion of the learned member for Norfolk, that that provision was introduced into the Bill, who now asserted that it was desirable that the public works should be exclusively placed in the hands of municipal bodies. Nearly all the roads in Upper Canada were taken by private companies, and were not left to individual competition. It was very desirable that the Municipal Councils should become purchasers of public works; as they had the best opportunity of judging of the fair values of roads in their neighbourhood; and the principle of acting liberally towards those bodies, was that by which the Government had been actuated. The learned member for Norfolk had referred to selling lands to speculators, as he termed it; but judging from what had taken place every where, it was found that joint stock companies in the construction of harbours and in other public undertakings, made them pay better, than when they were undertaken by the Government. In entering into negotiations, which it was impossible to do before the Act of last session was passed; the Government were not relieved from the responsibility which attended them; and the Commissioners of Public Works must manage them in a way which would be satisfactory to the other members of the Government. With regard to the security which should be required, he (Mr. Hincks) admitted there existed a difficulty; but the interest would be paid, and as the company went on and completed a portion, capital would be paid up; and in this way there would be no loss. As to tolls, he (Mr. H.) thought the learned member for Norfolk had not read the Bill carefully, or he would have seen clearly that it was not open to the objection to which he had referred; and which dealt with tolls or roads and bridges in the same manner as if the companies had been formed under the Act of last session. The objections of the learned member for Norfolk, did not apply to the principles of the Bill, but as to the regulation of its details. It would be the duty of the Government to protect the public interests in dealing with companies; and as the latter make the undertaking with their eyes open, they could have no reason to complain afterwards. He (Mr. H.) should propose a clause, by which parties living near cities and towns, could commute the rate of tolls, as complaints existed as to the vexation in some instances of too high a rate, with which the Government had previously no power of interfering. The learned member for Norfolk, Mr. H. said, deserved credit for the part he took in passing the Act of last session. He (Mr. H.) would say in conclusion, that he believed the companies had not been got up so much with the view of making money, as to improve the country; at the same time he considered their undertakings as affording good investment; and works had been constructed on a superior plan, to any of the public works carried on by the Government. The Council of York, he said, was the only municipal institution which showed a disposition to purchase them; and he concurred in the opinion very generally entertained, that they were better in the hands of private companies.<sup>6</sup>

MR. SHERWOOD was opposed to placing power in the hands of the government, to dispose of public works to private companies. Was it not public opinion, he said, which prevents laws being passed, authorising the exaction of excessive tolls; and the same influence would extend to municipalities, which were not under the controul of government, but were answerable to the people; and which must so



regulate their proceedings, as to coincide with public sentiment.<sup>7</sup> ((He)) would go to the extent of saying, that he would make considerable sacrifices to sell the roads to municipalities, instead of private companies;<sup>8</sup> or to any body of speculators.<sup>9</sup> In fact he would not sell them to the latter at all<sup>10</sup>. What was to prevent the passing of a law, to require that differences which might arise between the government and municipalities should be settled by arbitration? If municipalities were not disposed to pay what was demanded by the government, let them select arbitrators, and let the government do the same. The Act which authorised<sup>11</sup> the government to dispose of public works<sup>12</sup> to corporations or joint stock companies, was passed in April 1849, while the law which authorised their formation of those companies, was not passed till May following; consequently no authority existed under the former act, for negotiating for the sale of the public works to those bodies. And the reason why sales had not been effected, was that the government had<sup>13</sup> no doubt found out that they had no power to sell them to private companies; which prevented their carrying out the intention announced in the official Gazette<sup>14</sup> and they now come down and ask it from the House. If the government would say that was the case, he would tell them in reply, that he would not allow them to bargain away the public works to speculators; but would place them in the hands of the municipal corporations in Upper and Lower Canada.<sup>15</sup>

MR. M. CAMERON objected to the bill. If the House were determined to pass it, the member for Norfolk was right in endeavouring to have the power of the executive to lower the tolls at pleasure, struck out, as with such a power no sane man would purchase. But he (Mr. C.) was opposed in principle to selling the main Province Post road, and more especially to selling the harbours and lighthouse, which, of course go with the harbours. He contended that there was no precedent in history where any country had denuded itself of the management of harbours and light houses. The United States had kept control of lights and harbours as connected with the welfare and defence of the country, and the reason why they could not make a road was, that in that part of the country no one road could be made which would not be local. However, in a long narrow country, the main high way from Quebec to Lake Huron was generally as good and as useful as a canal. Besides, injustice was done to the Home District and the Gore, who had hundreds of pounds expended on them. The Brock, Niagara and Midland districts had a share; but Lanark, Leeds, Glengarry, and many other counties had never had any, and by stepping across the present vested rights to the rectory incumbents, you robbed the rest. We had no general government, no military defence to maintain; let us take our revenue and make a main Province road, and a road through each district. He would just add one argument more. Large rivers and the chasms betwixt hills had been bridged; if they were under the control of a private company, and were to be swept away, would the private companies be able to restore them? Certainly not. And, besides. Who would level the twelve or fifteen mill-creek hills on the way to Hamilton? The Inspector-General had said private harbors had paid. Where? At Port Hope, or Goderich? Far from it: both were bad and unprofitable.<sup>16</sup> He considered that the Port Hope harbour, had been the greatest drawback on the settlement of the adjacent country.<sup>17</sup> The Port Stanley harbor, though never finished, and in a dangerous state, where no vessel could winter, had done better. He (Mr. C.) would insist on the harbor being completed as a harbor of refuge, and he maintained that in a few years it will be found to pay.<sup>18</sup>

MR. COM. PUB. WORKS MERRITT said the hon. member who had just sat down ought to have spoken from experience for he had been in the Public Works Department. But he would ask if the government of England had the management of Public Works. In the United States the rule was the same. In Canada, in an evil day a differ-

ent system had been adopted; and the consequence was that the Public Works were a dead loss. At Port Dover £50,000 had been expended, and not only had all the revenue been swallowed up but a large annual outlay in addition. He cared not what government there was, whether tory or whig, they would put into the Public Works department men totally incapable of managing them, (hear, hear) and for that reason he was in favor of getting rid of them. Last year the Public Roads had not paid the expense of supporting them; £5000 had been taken out of the revenue; and on the whole of the public works there was a loss. The reason was that the government was unable to manage these works, which would pay a handsome dividend in the hands of private companies. They should therefore be got rid of, if they were given away. He then censured the government generally for expending the public money in repairing Yonge Street road; which was unjust to other parts of the country.<sup>19</sup>

MR. H. BOULTON (Norfolk) said the subject under consideration was one of the greatest importance, involving the sale by the Government of Public Works, to the value of £1,000,000, to men of straw, bubble companies without capital, from whom there was no certainty that a shilling would ever be received. These companies could give no security, and it would be unsafe to sell them. The reason why the roads did not pay was that they were improperly managed, and not repaired upon any correct principle. He hoped the Inspector General could consent to postpone the consideration of the measure.<sup>20</sup>

MR. VIGER called upon Mr. Hincks to examine the question closely; in order that the Government should not suffer loss by selling the roads to parties who could not give sufficient security. He did not want to prevent the Bill from going into operation, but he wished to see the public secured against loss.<sup>21</sup>

MR. INSP. GEN. HINCKS said the question was whether the Government should be restricted--that was to say, that it should only have the right of selling to Municipalities, or whether they should not have the right of making the best bargain they could, by selling to the highest bidder. As to the suggestion made by the member for Terrebonne, he could only say that he would concur heartily in any measure ((which)) would prevent the public from incurring loss.<sup>22</sup>

MR. ROBINSON opposed the scheme of selling public works to private companies, as he feared they might make a bad use of them.<sup>23</sup> It was better to continue to sell to the Municipalities only.<sup>24</sup>

MR. CAYLEY suggested as a point for the consideration of the Government, whether they should sell the roads out and out, or whether the sale should be offered in such a manner as to leave to Government the rights of taking the road again into their own hands, if the purchaser should neglect to keep it in a proper state of repair.<sup>25</sup>

MR. INSP. GEN. HINCKS would give the suggestion his consideration. It might perhaps be advisable to follow it.<sup>26</sup>

SIR A. MACNAB was decidedly opposed to the vote of the harbours to private individuals. The roads might possibly be sold without the public suffering any loss.<sup>27</sup>

(95)

*The Honorable Mr. Hincks moved, seconded by the Honorable Mr. Price, and the Question being put, That the Bill be now read a second time;*

*The House divided:*

*Yeas, 30.*

*Nays, 10.*

*So it was resolved in the Affirmative.*

*The Bill was accordingly read a second time; and committed to a Committee of the whole House, for Tuesday next.*

Seigniorial  
Tenure.

*The Order of the day for the House in Committee, to consider the expediency of abolishing the Seigniorial Tenure in Lower Canada, being read;*<sup>28</sup>

MR. AT. GEN. LAFONTAINE ((moved)) the House ... into committee of the whole on the resolutions on the Seigniorial Tenure.<sup>29</sup>

(95)

*The House accordingly resolved itself into the said Committee.*

*Mr. Johnson took the Chair of the Committee;*

MR. AT. GEN. LAFONTAINE reprit la discussion de ses résolutions sur la tenure seigneuriale.<sup>30</sup> ((He)) said that great stress was laid on the arret of 1711, and that some hon. gentleman had attempted to make it appear that it had not the force of law, and was not recognized in L. Canada.<sup>31</sup> Si cela était vrai, dit-il, le livre des "Arrêts et Ordonnances" des rois français pourrait être jeté au feu de suite.<sup>32</sup> He would not admit that at all and would show that it was recognized by the Lower Canada House of Assembly as being the law of the land. It was much to be regretted that the arret had not been put in force; if it had, very little cause of complaint would now exist. It was also stated, that the arret did not fix any rate of rent; and the hon. member for St. Maurice asserted that the Seigneurs were absolute proprietors of their lands. So far from that being the case, the very contrary was the fact. He would make up the arret, and it should be remembered that it was a declaratory law. It declared that certain Seigneurs had sold their lands, and to put a stop to that practice, which was directly against the law, a penalty was imposed on them for infringing it. That penalty was a confirmation of their property. There was also a provision made to compel the Seigneurs to concede, if they refused to do so. An officer, styled an intendant, was appointed with administrative and judicial powers, who, acting with the Governor, compelled the cession of lands--but at what rate? At the same rate as was already imposed on other lands in the Seignory. It was true that the arret did not mention in figures what that rate was--one sous (sic), two sous, or three sous--but it said distinctly at the rate paid on other portions of the Seignory; so that he was convinced that it was not out of the power of the legal authority to discover what that rate was. The provisions of that arret were repeated in the arret of 1739, which showed that the Seigneurs were quite as industrious then as they have been since the conquest. It then became the question whether that arret had or had not the force of law, and he conceived that it was impossible for any person acquainted with the law at that period not to admit that it was still in force.<sup>33</sup> Alors et subséquemment les seigneurs furent forcée par les cours de justice de réduire les taux exorbitants des rentes.<sup>34</sup> The power of the intendant was more of an administrative than of a judicial character but partook of both. The power that was given to the intendant descended to the courts of justice; and the court of Queen's Bench had the power of doing all that the intendant did.<sup>35</sup> Since the cession of Canada, the Seigneurs have tried to show that the double ... powers of the intendant was not conferred on the new tribunals. That objection should not be lost sight of, as it was insisted on when the Judicature Act was passed, and a great many contended that the Act, only conferred administrative powers. From that error arose many of the abuses which formed the principal cause of complaint. If that Act did not confer on the Court of Queen's Bench the administrative and judicial powers of the Intendant, it must of necessity be a dead letter, and to show that it was considered in that light



in Lower Canada, he read the evidence given before a Committee of the House of Commons in 1828, by Mr. Neilson, who had been for many years a distinguished member of the Lower Canada Assembly. That evidence was a mere repetition of the views of the Legislative body to which he belonged and was never impugned till the other day. To what laws did that gentleman refer when he spoke of the old laws of the country? Was it not evident that he meant the arrets of 1711 and 1732, and when he intimated that they were still in force, was it not evident that he expressed the general opinion of his countrymen and his colleagues of the Assembly. The expression, certain dues, used by him, showed also that he was of opinion that the rate of rent was fixed by law. That evidence expressed exactly the opinions of every member of the Lower Canada House of Assembly, which had affirmed them by unanimously passing two Bills--one of them introduced by Mr. Neilson in 1825, setting forth that the arret of 1711 with all its provisions was still the law of the land--but they were both lost in the Legislative Council.<sup>36</sup> Tout prouve que le seigneur n'est pas propriétaire, mais seulement dépositaire obligé de concéder le pays.<sup>37</sup> In the face of these facts would it be now pretended that arret was abrogated, and that the Seigneur was absolute proprietor of the land in his possession.<sup>38</sup> Si tel était le cas, les seigneurs ne seraient obligés à rien de semblable.<sup>39</sup> If he had not misunderstood the hon. member for St. Maurice, that was one of his arguments.<sup>40</sup>

MR. PAPINEAU. Je vais m'expliquer,<sup>41</sup> it was evident that in the early settlement of the Province, there was no condition imposed on the Seigneur, and the grant conferred an absolute right; but in process of time, the Seigneur discovered that he could best advance his own interests by conceding his lands. There was no compulsion, however. At a later period, the nature of the titles was changed, and the grants were made conditionally.<sup>42</sup> Et j'en conclus que les octrois originaux des seigneuries doivent être examinés pour arriver à la loi qui les concerne.<sup>43</sup>

MR. AT. GEN. LAFONTAINE would suppose that a number of grants were made previous to 1711, which was certainly very early in the history of Canada, and that no conditions had been imposed on their seignories. How was that borne out by the fact that the arret of 1711 said, that the Seigneurs had infringed the conditions on which their grants were made by selling their lands? If they were absolute proprietors, then they would have the right to sell to whomsoever they pleased, and the arret would have been not only uncalled for, but would have no effect.<sup>44</sup> Je puis mal interpréter les sens des mots; mais je pense qu'ils montrent que tous les seigneurs sont obligés de concéder, et que quelques uns seulement ont manqué de le faire.<sup>45</sup> If the argument of the hon. member were correct, how was it possible that no distinction was made by the Lower Canada Assembly in the bills they passed, between these different kinds of titles? Certainly there were Seigneurs sitting in that House, and they would not lose sight of their own rights. The fact was that they were all on the same footing, and that no distinction was ever recognised in Lower Canada. He came next to the celebrated 92 resolutions, which were passed in 1814.<sup>46</sup> He read the 77th and 78th of the ninety-two resolutions for the purpose of establishing the same view. He read to the effect that they complained that the Canada tenures act had made the seigniors absolute proprietors; then it must be admitted from that, that they were not so before.<sup>47</sup> The 77th resolution declares that the Seigneurs hold their land only for the benefit of the country, and were bound to concede them<sup>48</sup>, à certaines conditions.<sup>49</sup> Did that import that they were absolute proprietors?<sup>50</sup>

Le peuple désire depuis longtemps la commutation de la tenure et<sup>51</sup> at a later period, in 1841,<sup>52</sup> on a fait un effort pour satisfaire son désir en nommant un comité.<sup>53</sup> He then read some resolutions which had been passed by the

House of Assembly in 1841.<sup>54</sup> Les résolutions passées alors étaient identiques à celles que je propose maintenant, si ce n'est que les miennes sont plus abrégées<sup>55</sup> and they had been passed by a very large majority, only three had recorded votes against them.<sup>56</sup> In all those Acts, the old laws were recognised, and he must not be told, in the face of so many proofs, that it was not the case.<sup>57</sup> Il faut se souvenir qu'il y a dans le Bas-Canada une tenure plus libre que ce qu'on appelle franc et commun soccage, plus libre parce qu'elle n'est pas sujette aux incidents des autres, comme les droits de primogéniture, &c.... C'est cette tenure<sup>58</sup> franc aleu roturier<sup>59</sup> qui est mentionnée dans mes résolutions.<sup>60</sup> It was asserted by some that the French Canadians were not anxious for the commutation of the Seigniorial Tenures, and as a proof it was said they would not settle in the townships. It was true that at one time the French would not settle there, but it was not from any disinclination to the tenure of free and common soccage, or from want of means to purchase,<sup>61</sup> la raison est, non seulement la difficulté d'obtenir des terres,<sup>62</sup> but because there was a great uncertainty as to the laws prevailing in the townships. In 1829, it was contended that the English law was in force there, and there was a great diversity of opinion on the subject. One thing, however, was certain, that the law of primogeniture was not in force, for if a person died intestate, his property was divided among his children according to the law of France. The consequence was, a disinclination to settle in a place where the laws were so unsettled. What was the result? In 1831, in a population of 30,000, according to the census, there were only 1100 French Canadians, but in 1844 there were 11,000, in a population of 60,000. How was this to be accounted for? Why, that a law was passed setting at rest the doubts which had so long existed, and the French Canadians immediately availed themselves of it. That fact would disprove the assertion he alluded to.<sup>63</sup> Les Canadiens-français n'ont aucune objection pour une tenure libre. Mais il y a d'autres difficultés plus grandes.<sup>64</sup> Compensation for commutation was the most difficult part.<sup>65</sup> By the errors of the Courts of Justice, and the rejection of the bills passed by the Assembly, abuses had kept on increasing since the conquest. The Seigneurs had not only sold lands, but they had also raised their rents<sup>66</sup> and imposed higher rates than they ought to have done,<sup>67</sup> giving to their Seignories an increased value.<sup>68</sup> Les cours de justice eurent soutenu leur droit d'en agir ainsi, des troisièmes vincent acheter les droits de ces acheteurs, employant ainsi leur argent de bonne foi, pensant que la sanction publique devait être respectée.<sup>69</sup> Parties had<sup>70</sup> purchased those Seignories at their increased value in good faith. That must be taken into consideration if they desired to do justice. If it were not, they were in danger of committing an act of spoliation.<sup>71</sup> (Cries of no, no.)<sup>72</sup>

DR. DAVIGNON--They did not purchase in good faith.<sup>73</sup>

MR. AT. GEN. LAFONTAINE--Did the hon. gentleman say no? He was surprised<sup>74</sup> to hear some gentlemen say no, no, when he stated that the acquired rights of those who had purchased in good faith must be sustained.<sup>75</sup> Many of those purchasers were strangers--was it their fault that the different branches of the Legislature could not agree among themselves? Was it their fault that the Judges, either from ignorance or prejudice, were unable to give correct decisions? They looked at the laws as they were interpreted. They acquired rights under that interpretation, and those rights must be protected.<sup>76</sup> It was true that the difference might be explained in the case of a seignior who had unjustly raised the rentes and was still in possession<sup>77</sup>, but they must also protect the censitaire. They must observe the juste milieu, and while they labour to free the censitaire from his burthens, resolve also not to commit an act of spoliation on the man who invested his capital in good faith. He would say, in conclusion,



that it was the interest of all parties to come to a settlement as speedily as possible. It was the interest of the seigneur. It was the interest of the censitaire. If the seigneur refuses to come to an accommodation, the day will come, when he will rue it. He hoped he would not live to see that day, when society--when the whole country--would become demoralized<sup>78</sup> but he could not blind his eyes to what was going on around him.<sup>79</sup> It was the struggle of the mass against the law. The masses were becoming excited. Time should not now be wasted, but, if it were really an object to get rid of this peculiar tenure, let all work together--seigneur and censitaire--and if the seigneur showed the example, showed a willingness to come to terms, it would be so much the better for himself.<sup>80</sup> He then referred to the scenes which happened at Three Rivers with reference to the school act, and feared the same argument would be applied to the Seigniors.<sup>81</sup>

MR. BADGLEY stated that he agreed with what had fallen from the Attorney Gen. that the arret of 1711 was the law of Canada; and he went on to contend that<sup>82</sup> the only tenure recognised by the old law of France, was the feudal tenure. It was true that the Seigneur tried to make the most of the rights which that tenure gave him, and sometimes exceeded them, but it was the custom in Lower Canada to make very exaggerated statements on this subject, which caused consequently a great deal of ill temper, and even violence had ensued. Now, the Seigneurs were a mere fraction opposed to the physical force of the great mass of the population, and had no other defence than the mere moral force of the law. The censitaires were fully awake to the importance of the struggle, and turned back to the old law to show the abuses of which the Seigneurs were guilty. Now, the difficulty was to discover the legal rate at which the law was fixed.<sup>83</sup> He had no doubt that the original rate of rentes was the low rate of one or two sous, but<sup>84</sup> in many instances the Seigneurs had increased their rents. The English purchasers followed in their footsteps, and there were many instances in which the charges were extortionate. But he could not understand how it was that the censitaire holding his lands by a title strongly binding, should come to Parliament and demand that agreement or contract should be rendered void. He was afraid that the action of Parliament would be followed by difficulties of which they had no idea. For his own part he was a censitaire, and if the Seigneurs and the Crown, represented by the Attorney General, were ready to enter on the subject, he could make no objection, although he was rather fearful of the consequences<sup>85</sup>, he thought the evils of the cens et rentes very much exaggerated.<sup>86</sup> The censitaires' rents formed a very small part of the burden, as he believed they averaged in the District of Montreal, on a farm of 90 acres, two or three bushels of wheat, and from two to fifteen shillings in money, per annum. The real draw back on the industry of the country was the lodes (sic) et rentes.<sup>87</sup> Here the hon. member went on to explain that this was a mutation fine of one twelfth to be paid to the seignior every time a property was sold.<sup>88</sup> A man purchases a piece of land worth 5s per acre; by the outlay of capital and by his industry, he makes it worth 10s an acre; well, he wishes to sell it at that price, and he is obliged to give 1-12th of the purchase money to the Seigneur, without deriving any compensating advantage in return. As he had said, this formed a real draw back on the country, as very few men would be found willing to expend capital and labour in making improvements, from which another was to derive so large a proportion<sup>89</sup>, and ((this)) had kept back the country more than anything else.<sup>90</sup> He was, however, of opinion, that in spite of all the agitation, there was very little real desire in the country to commute. It was very strongly desired in the towns no doubt, where lands were rapidly increasing in value, but he did not believe that the same feeling prevailed in the country, where it was not in the interests of the people to commute, and he was confirmed in that



belief, when he saw the very small number who commuted in the Seignories of Beauharnois and Two Mountains. With respect to the proposition to put one-half the charge of commutation on the censitaires, and to take the other half, amounting to £1,750,000 out of the public chest, he would never be party to it<sup>91</sup>; he would never be a party to destroying the rights of property.<sup>92</sup>

DR. BOUTHILLIER dit que d'après la longue et habile discussion qu'on avait entendue depuis que cette question était soumise à la chambre, il semblait qu'il restait peu à dire. Cependant il y avait un point que personne n'avait touché et qui lui paraissait de la plus haute importance. C'était à l'hypothèque privilégiée qu'avait le seigneur sur la terre du censitaire. Suivant la loi actuelle, le seigneur avait une hypothèque privilégiée non seulement pour les rentes annuelles, mais encore pour les lods et ventes qui pouvaient se répéter dix fois en dix ans et qui, était une dette accidentelle ou éventuelle, ne pouvait être prévue. De sorte que le censitaire, s'il empruntait une somme d'argent, ne pouvait donner de sûreté à son créancier. Comment un pays ainsi hypothéqué d'avance en faveur de quelques individus pouvait-il prospérer? comment les capitaux pouvaient-ils s'y introduire? mais ce n'est pas tout le mal que fait la tenure seigneuriale. Le jeune homme qui prenait une terre en bois de bout et la défrichait n'était pas certain de la conserver pour ses vieux jours. S'il devenait incapable de travailler et s'il donnait sa terre à rente viagère, et s'il arrivait que cette terre fût vendue ensuite deux ou trois fois, les droits des seigneurs étaient exigibles au préjudice de la rente du seigneur. Et il, (Mr. B.) avait vu des vieillards pleurer pendant que l'huissier vendait leurs propriétés pour payer les lods et ventes et autres droits dûs au seigneur. Il a été avancé par les hons. membres de St. Maurice et de la ville de Sherbrooke, que les seigneurs étaient propriétaires absolus. Il niait cela. Il ne disait rien de la légalité de cette prétention. Elle avait été repoussée par l'hon. procureur-général Est. Mais il, (Mr. B.) avait un fait qu'il pouvait citer et qui était une preuve irrécusable que les terres non concédées n'étaient pas la propriété absolue des seigneurs, c'est que jamais elles n'étaient taxées pour les améliorations publiques. Dans le comté de St. Hyacinthe, on avait construit des églises pour au moins £30,000 et fait des chemins pour trois ou quatre fois autant et cependant les terres non concédées n'avaient pas été cotisées et personne ne prétendait qu'on avait le droit de les cotiser.<sup>93</sup> As to acquired rights, he admitted that the parties who had them ought to receive an indemnity, but who was to pay it? The people who had suffered injustice, or the government, which had not corrected the errors of the courts of justice. It was true that there was no general desire for commutation, and although he was himself in favour of it, he would oppose a forced commutation<sup>94</sup> de la part du seigneur<sup>95</sup>, as it would inflict a serious injury on the Province.<sup>96</sup> (Hear, hear.)<sup>97</sup> Ce qu'avait dit l'hon. membre pour Missisquoi était le meilleur argument qu'on put faire contre la nécessité d'une commutation générale. Il suffisait que, lorsqu'un individu voudrait employer des capitaux sur une propriété et l'améliorer, qu'il eût le droit de l'affranchir des droits seigneuriaux à sa discrétion.<sup>98</sup>

MR. W. SCOTT des Deux Montagnes dit quelques mots sur la question. On parle beaucoup de<sup>99</sup> the evil effects produced in the country by the Seigniorial Tenure.<sup>100</sup> It was impossible to have manufactures in the Lower Province as long as it is burdened with the feudal tenure. The seigneur can demand not only the twelfth of the purchase money of a piece of land which was improved by another man's labour, but he can also insist on an annual rent if a man builds a mill on a stream flowing through his own farm.<sup>101</sup> He did not wish to commit any spoliation<sup>102</sup> mais je citerai un exemple qui fera voir combien cela est ridicule dans la bouche de certains membres. La Chambre d'Assemblée avait accordé, un aide à quelques par-

ticuliers, pour construire un pont sur la rivière St. Charles. Quant (sic) le pont fut terminé, la Chambre passa un autre acte pour établir un pont libre, près de l'autre. C'était là une spoliation, car les propriétaires du pont avaient des droits acquis tout aussi bien que les seigneurs. Mais le bill fut présenté par un seigneur et voilà la différence.<sup>103</sup> The consequence is that the finest water power in the world is useless. Some hon. gentleman had warned the House not to commit an act of spoliation, but that was needless, for after all the long speeches he had listened to, he could not remember that any one had expressed a desire to do so. All they desired was a fair settlement of this difficult question, if it could be effected.<sup>104</sup> He hoped the resolutions would be passed; and if the Tenure were done away with, he had no doubt that Lower Canada would soon become as prosperous as any other country.<sup>105</sup>

COL. GUGY made some remarks in reply to the last member.<sup>106</sup> ((He)) attributed much of the agitation that existed in Lower Canada, with reference to the Seigneurs, to the interested efforts of shop-keepers and others in Montreal, who tamper with the rural population.<sup>107</sup> Il y avait dans le Bas-Canada une classe d'individus qui vendaient depuis un manche de hache jusqu'à un barril de Wiski. Ils s'assurent le paiement de leurs créances par des hypothèques sur les terres de leurs victimes. Les créanciers achètent ces terres à moitié prix au bureau du shérif et en ayant acheté un certain nombre à vil prix, il n'est pas étonnant de les voir chercher à changer la tenure qui leur donnerait<sup>108</sup> a thousand pounds into their pockets at the expense of the poor man<sup>109</sup> et rendrait ces personnes plus riches au dépens pauvre.<sup>110</sup> Many ... by their arts have succeeded in getting eight or nine farms in their possession. If the Seigneurs therefore were interested in preserving their rights, they were opposed by others whose motives of self-interest were more objectionable.<sup>111</sup> ((Il)) prétend que les seigneurs sont maîtres absolus de leurs terres, qu'ils peuvent concéder ou refuser à volonté.<sup>112</sup> He read over a title of concession of a Seignior, on Lake Champlain, from Dr. O'Callighan's history of New York, to the effect, that the Seignior was granted without any obligations whatever. He also read the original title of the Seignior of Soulanges, to the effect, that it had been granted absolutely and without conditions.<sup>113</sup> Dans la seigneurie de Vaudreuil, il y a des terres concédés à différentes conditions et cela dans les premiers temps de son établissement, ce qui prouve que la rente ne pouvait être fixe et l'arrêt de 1711 n'établît pas de taux fixé.<sup>114</sup> The hon. gentleman here referred to the original grant of a seignory dated in 1743, which was conceded by the crown of France in the payment of a quit rent, and on condition of rendering fealty and homage at the castle of St. Louis, according to the costume (sic) de Paris. He said he addressed himself more earnestly upon this subject to the members for Upper Canada, not only because it was new to them, but because systematic misrepresentation, artifice and fraud had been resorted to for the purpose of misleading them. That no doubt should remain as to what were the intentions of Louis XV. In granting certain tracts of land, he cited the ordinance of 1716, conferring the rights of property, vested originally in the Knight of Soulaize, in his widow, with the right of administering justice, fishing, hunting and trading with the Indians; under which conditions the estate has since been held. And if under the ordinary operations of law the rights of property could not be interfered with; neither could it by any ex post facto measure deprive individuals of them, and which they had enjoyed during a hundred and fifty years. This was the nature of some of the titles to land in Lower Canada; in others there was a slight but not important difference in language. He (Mr. G.) knew an instance where a large tract of wilderness land was granted to a man and his heirs for ever; and another that was granted on condition that he should take possession. Something like this, he said, took place in 1816, when grants of land were made to this Province to



disbanded soldiers, on condition that they should make actual settlement; the object of the government being to promote the comfort of future settlers, because as the lands became cleared, civilization was promoted, and a superior class of persons would be induced to immigrate. The Kings of France, he said, were actuated by the same views. As the desire to settle on this land became prevalent, labour became proportionably scarce, owing to the large quantity of land as it were thrown into the market, and lands were consequently granted by the Seigneurs upon the lowest conditions to the Censitaires, and in some instances for no payment whatever. He knew of no other restrictions upon the rights of the Seigneur, and which continue to the present hour. The hon. gentleman here referred, by way of exemplifying what he had endeavoured to impress on the minds of members, to a Seigneury near the Cascades, which concession had been enlarged upon several occasions, and for which an increased price had as repeatedly been paid--that is a larger proportionate rent had been retained by the seigneur. Thus was evidence afforded, that before the conquest of the Province, and under a despotism, different amounts of rent were paid at four different sales. The hon. gentleman said an impression generally exists, that the seigneurs must grant their lands at a fixed rent, which they cannot exceed. But lands were not all of the same value, and a tenant could not be expected to pay as much for bad land as for good. There were lands belonging to himself, on which was a fine growth of hardwood timber, and where the tenant by the manufacture of pot-ash, could make two hundred times the rent. Under the law of Lower Canada, he cannot sell this land; and he had had at the same time different men offering different prices. He (Mr. P.) was speaking to persons who understood the value of property; and he would ask them what value they would attach to land which could not be sold to the highest but to the lowest bidder. It was natural for the seigneur, and it was just, to grant his land to the man who would pay the most for its use. He said he should expect to see the law by which property could be taken away from its owner, as clear as the gas lights which illumed that chamber; but there was no such law in existence in the British dominions. In an edict to which the hon. gentleman referred, he said, it was stated that the King of France had been informed that tracts of land that had been granted to his subjects were not entirely settled, and on others, there was not an inhabitant; and that certain seigneurs refused to sell lands when required, and in other cases sell the lands and claim the payment of rent, contrary to the determination of the King that they should not sell. He therefore declared that all grants of land that had not been settled, shall be forfeited; and that when others having sold and retained rent should be brought before the Court, the transaction be declared null, and the concession be made by the Courts of Justice. The King further declared by this edict, that all seigneuries (sic) which were not settled in one year, should be forfeited; and directed that seigneurs should concede farms without exacting a sum of money in addition to a fixed rent. The object of the ordinance he had referred to, the hon. gentleman said, was so evident to every man of sense and honor, that he should not read any other extract from it. The manner in which the subject under discussion had been treated, reminded him of the anecdote of the blacksmith--a relative of the Gretna Green functionary--who said that when a man addressed another upon a subject with which he was acquainted, and which the other did not understand, that was physics; but when he addressed the other upon a subject which neither of them understood, that was metaphysics. And upon this occasion there was a good deal of metaphysics--a good deal of the blacksmith. He, (Mr. G.) was addressing men who must possess property, and whom, he trusted, were devoid of prejudice, and he would say, if they made light of the titles of the Seigneurs to their Seigneuries, their own estates might be invaded, and the same rule might be extended to the broad cloths and other articles, by the sale of which individuals obtain a living. He had thus,



he said, attempted to bring the subject before the House on its true basis. It had been stated that the Seigneuries pay no taxes; all he knew was, that he paid a considerable sum in that way. He considered it his duty to prevent misrepresentation on this subject; and trusted that the Attorney General West, before he came to a determination, would read that ordinance to which he had referred. In treating the question as he had done--as one of right, he was willing to meet the opposite party half-way, although he was satisfied the ex post facto law could go into operation, which would have the effect of destroying two or three hundred titles. At present the tenant has his grant by which the Seigneur was willing to be bound, and with which he must be satisfied; and as to a depreciation in the value of money, the Seigneurs have no intention of applying that principle to rents, but considered themselves bound by the terms of the grants made to the tenants. In cases of default on the part of the Seigneurs, and a refusal to grant lands he said, the censitaire may require it by summons; and when he refuses to comply, may resort to the representative of the sovereign who might concede the lands upon the same terms as was paid in the surrounding Seigneuries. It was necessary, when the authorities of the Province were called upon, to interfere in this way, that same rate at which lands should be rented must be defined; but when they did not interfere, the seigneur could make his own terms.<sup>115</sup>

MR. H. SHERWOOD said that when the question which at present engaged the attention of the House, had come up on former occasions, he had avoided expressing an opinion publicly during the discussions that had taken place; the subject being confined exclusively to Lower Canada, and having reference to the title by which lands were held antecedent to the conquest; he thought it better not to interfere, where he did not consider himself as perfectly cognisant. But the subject was every day assuming a greater degree of importance, and it was becoming advisable to settle the question upon principles of equity and justice. He (Mr. S.) did not intend to go into any argument as to the rights of seigneurs and tenants; but he was desirous of making a few observations, as to the question in a general point of view. If the House had merely to decide whether it was desirable to do away with the seigneuries as at present constituted; he would do away with every vestige of feudal tenure at once, us being the relic of a barbarous age. People, he said, are becoming better informed; they see lands around them held under a better tenure and better cultivated; and they are desirous of enjoying the same advantages; and were he called upon to act at once, he would decide in favour of the abolition of the feudal tenure. Notwithstanding hon. gentlemen had been amused at his comparing the feudal tenure with the usury laws; he considered them equally reprehensible, because they were inimical to the commercial and agricultural interests of a country. He believed it was owing to the existence of the feudal tenure in the Province, that prejudices had been created among the original inhabitants of Lower Canada. He believed their minds were becoming more enlightened, that they were desirous of getting rid of this obstruction to their advancement; and he was of opinion if it were abolished, it would so elevate the public mind in that portion of the Province, that the French Canadians would be able to compete with the Anglo-Saxon race. When men could be made to understand that they owned property, they would then feel like men; the change also would place the seigneurs on a higher and more manly situation--in fact, he said, all classes would be elevated, and in a short time, the people of both sections of the Province would become united in principle, and become an intelligent and wise people. The Attorney General East was desirous of introducing some system, by which the feudal tenure would be got rid of, and which would give satisfaction to the seigneurs as well as the tenants--and a commutation could be effected, by which the tenant could become owner of the soil. One of the propositions entertained by those who were causing the present movement, is, that by such commutation, it shall be provided,

that one half the value of the land shall be paid for by the tenant, and the other half by the Province. But when it was desirable to effect a change in the present condition of the rural population of Lower Canada, he (Mr. S.) would never consent that any portion of the funds of the Province should be appropriated to effect it. The question must be decided equitably between the parties themselves, and not from the revenues of the Province. But by the tenure under which the seigneur holds land, he cannot sell, he can only concede to the censitaire. It was true, it did not settle the amount of rent which was invariably to be paid; and as far as the ordinance of 1711 will enable a sound judgment to be formed, it shows that the seigneurs (sic) is not bound down to any particular price. Still, he held property which he was compelled to concede at a petty amount per acre, and could not boast that he was the owner of the territory which he possessed. As long as lands continued to be held in this way, so long would these complaints between the seigneur and the censitaire exist and increase, and the breach would widen every day. The hon. gentleman concluded by saying that the question should be so settled that neither party could complain, but not from the revenues of the Province.<sup>116</sup>

MR. CARTIER said the subject was not only of great importance<sup>117</sup>, great interest and delicacy<sup>118</sup>, as it effected (sic) Lower Canada, but it was peculiarly so to the seigneur and the censitaires. It had been just stated by the learned member for Toronto, that the question involved the necessity of commutation; and he (Mr. C.) for one was willing to settle it in such a manner that the rights of all parties should be protected. And he could say as far as he knew, that the people of Lower Canada while they denied the commutation of the feudal tenure, wished to compensate the seigneurs for their property. The question, he said, might be viewed in the same light, as the improvement of a city, where the property of individuals is authorised by the common law to be taken for the public good, upon a fair valuation. At present, he said, the prosperity<sup>119</sup>, progress and industry<sup>120</sup>, of Lower Canada is impeded and the interests of the seigneur and of the censitaire are affected by the absurd tenure under which lands are held. Fortunately the question is not to be discussed by persons who are penniless; but who are required by the constitution to possess a certain amount of property; and he was happy to see it is not entertained by those who are actuated by the spirit of socialism, which is so rife on the continent of Europe. He wished to impress on the minds of hon. members, that the object they have in view is to commute upon the principles of justice, and are not actuated by the red republicanism and socialism of France. It had been said in that House, that there could be no better tenure, than the system under which Lower Canada was originally settled. He (Mr. C.) would say there could be no worse<sup>121</sup> that could be inflicted on the country<sup>122</sup>. Il y avait un meilleur système dans quelque partie de la France au temps où elle a été introduite ici<sup>123</sup>, and he regretted that it had not been chosen.<sup>124</sup> Quelque part on disait: point de loi sans seigneur; ailleurs on avait pour maxime: "Point de loi sans titre"; mais la chambre n'a pas à relever les fautes commises, mais à faire le mieux qu'elle pourra.<sup>125</sup> It was a pity, he said, that the king of France had not given or sold the property, and enabled the purchaser to become the proprietor of it. The evil however had been inflicted, and they must get rid of it. In Upper Canada a different system prevails from that which exists in Lower Canada; and could it be denied that there exists more prosperity in its townships than prevails in the seigneuries.<sup>126</sup> Comme l'hon. membre pour Missisquoi l'a dit, les cens et rentes ne sont qu'un petit fardeau comparés aux lods et ventes.<sup>127</sup> He showed the evils of this latter as being a bar to all improvement.<sup>128</sup> The right of the seigneur to levy a commutation fine on the sale of property, however often it may occur, prevents<sup>129</sup> les hommes prudents d'améliorer leurs propriétés.<sup>130</sup> As had been stated by the hon. member for



St. Hyacinthe, half-a-dozen mutation fines might take place in six months, which might cut up all the value of a mortgage<sup>131</sup>. If he attempts to borrow money for that purpose, he is told by the party to whom he applies, that although he may give a mortgage, the Seigneur will have a preferable claim, and that ultimately he will receive in return nothing at all. Then, again, in November when the roads are bad and the weather stormy, the Censitaire must go to the Seigneur with a couple of dollars in one hand and some wheat in the other, which is a custom at once degrading to the tenant and troublesome to the Seigneur, who has to cut perhaps two thousand pieces of paper, on which to give receipts, and to examine old deeds, to see that all is correct; to avoid which, the Seigneur often has his rents collected by agents ..., he repeated<sup>132</sup> *il est facile de prouver que c'est autant l'avantage des seigneurs que celui des censitaires d'abolir la tenure seigneuriale.*<sup>133</sup> A case had been mentioned by the hon. member for Sherbrooke, where a Seignury<sup>134</sup>, la seigneurie de LaSalle<sup>135</sup>, is at present offered for sale; it is a fine property and worth a good deal of money, but a purchaser cannot be found, because no capitalist is disposed to vest his money in seignorial property.<sup>136</sup> A la vérité, je dirais au plus riche seigneur du Bas-Canada que par ses exertions il a réduit la valeur de toutes les seigneuries du pays, parce qu'il a ébranlé la confiance dans la stabilité de ce genre de propriété.<sup>137</sup> Under the present tenure, he said, a Seigneur dies, and leaves a family of six or seven children, as he supposes in comfortable circumstances; but when the property has to be sold to effect a division,<sup>138</sup> la seigneurie est presque toujours sacrifiée à un acheteur à un prix très minime<sup>139</sup>; it probably will not fetch £8,000. Is it not the interest of the Seigneur to do all that is in his power to effect the commutation which is sought.<sup>140</sup> Le seigneur pour obtenir de son côté ses droits légaux est obligé d'agir comme un officier de police et un espion dans toutes les transactions de son censitaire<sup>141</sup> or he would lose his dues. The Attorney General, East, had said, that the longer the question remained unsettled, the less would the settlement be in favour of the Seigneurs.<sup>142</sup> Tout indique que les seigneurs ne pourront jamais obtenir de meilleurs termes que dans le moment actuel<sup>143</sup> de tenure. La solution de cette question intéresse d'ailleurs la cause de l'ordre autant que l'avantage privé des deux parties. C'est l'origine des émeutes des anti-rentiers de l'état de New-York. Il y a danger surtout dans le Bas-Canada où on répond avec tant de zèle des doctrines socialistes.<sup>144</sup> Already two or three sheriff's officers have been killed by people who had resorted to extremities, and farmers who were formerly sentenced to death, are at present in the Penitentiary, having had their sentence commuted to imprisonment for life. These persons, he said, were among the educated class of farmers; but in Lower Canada, should political fanaticism and socialism be introduced among the people who are not educated, the appeals which might in this way be made, would be productive of frightful consequences.<sup>145</sup> Le calcul démontre que même au taux le plus bas de concession dans le Bas-Canada, il est plus avantageux au colon de payer une terre 4s. 8d. par arpent, dans les townships que de s'établir dans une seigneurie.<sup>146</sup>

DR. LATERRIERE ((made)) an interruption.<sup>147</sup> Referring to some remarks of the Attorney General he proceeded to show that property came to less expense when bought bona fide in the townships than under the feudal tenure subject to the mutation fine and other expenses. If a man bought a farm in the townships and was obliged to sell out<sup>148</sup> he may dispose of the property, and get back part of the money, if not all, which he has expended<sup>149</sup>, réclamations des seigneurs à trois choses; rentes, lods et ventes et banalité. Il a dit avec vérité que cette dernière vaut peu de choses; et moi je dirai plus, je dirai qu'avec ce privilège de banalité on peut ruiner un seigneur dans le Bas-Canada. Les censitaires peuvent exiger la construction d'un moulin, et après cela acheter en-



suite dans le Haut-Canada toute la fleur nécessaire pour leur usage dans la seigneurie,--vû que c'est là la seule fleur que le seigneur peut demander à moudre,--et ainsi le moulin reste pas à ne rien faire. Il est donc très prudent, chez les seigneurs de ne pas trop réclamer, de peur que les censitaires ne concoivent un esprit de vengeance.--Quant à l'arrêt de 1711, il est clair qu'il s'applique à toutes les seigneuries. Le fait est contre l'interprétation de la loi donnée par M. Papineau, puisque nul seigneur n'a vendu les terres dans le Bas-Canada, comme s'il avait été le propriétaire absolu.<sup>150</sup> The hon. member here read from the edict in support of his views. When we have a law to explain a deed it must be observed. He read a clause from the edict to the effect that the law applied to all seignors (sic).<sup>151</sup> Il y a un autre arrêt qui a le même effet que celui de 1711<sup>152</sup>, as late as 1842<sup>153</sup>. Un seigneur concéda des terres au taux de rentes ordinaire, mais prit de suite une hypothèque sur la propriété. Cependant, quand il poursuivit sur cette hypothèque, la cour la déclara nulle, et la rejeta.<sup>154</sup> He would not say what he thought of the resolution of the hon. member for Rouville.<sup>155</sup> Je pense que l'hon. membre pour Rouville ne devrait pas presser sa résolution à présent; il devrait pour le moment se contenter de celles de l'hon. membre pour Montréal. Ces dernières déclarent l'importance de changer la tenure seigneuriale à des termes équitables.<sup>156</sup> A committee would, probably, be appointed to investigate the whole question and to report, and the hon. gentlemen, if he found fault with that report, would have an opportunity of moving an amendment.<sup>157</sup>

La dernière désire la parution d'une loi déclaratoire, difficile à passer et qui, après tout n'effectuera pas la commutation voulue. Au reste, les rentes ne sont pas le plus grand inconvénient; ils sont les lods et ventes.<sup>158</sup> He (Mr. C.) should not occupy more of the time of the House, and was only induced to speak on the subject, because it was expected that every one acquainted with it would express his sentiments. Commutation of the tenure by which the seigneuries are held, he repeated, was necessary to the advancement of Lower Canada<sup>159</sup>. There never could be a spirit of enterprize so long as the seignor (sic) had the right of claiming the 12th part for a mutation fine at every sale.<sup>160</sup> Il est à espérer que les membres du Haut-Canada supporteront la mesure du procureur-général est.<sup>161</sup>

MR. CHAUVEAU did not think his countrymen so degraded by the seignorial tenure as the member for Toronto had pretended, nor did he fear so much for the laws which might befall the seignors (sic) by the commutation, as that which might befall the censitaire by the burden which would be imposed on him, by those to whom he must apply for the capital to purchase the seigneur's interest. He feared lest in place of imaginary evils--evils to be found only on parchment--real evils might be substituted. People talked of feudality in Lower Canada, as if the country were covered with the castles of the middle ages, when the fact was that the land was held by a tenure differing but slightly from many others, of which there was no complaint. He had, inded (sic) seen deeds of concession in the townships, containing the very same conditions as those of the seignories, without having any out-cry.<sup>162</sup>

A Voice--But they are proprietors.<sup>163</sup>

MR. CHAUVEAU.--Yes, they were proprietary, and so he supposed they were not to be obliged to concede at all. That was a singular argument certainly, against that tenure which made concession obligatory. He was far from believing that the seigneurs possessed an absolute property in their seignories. He held that such a doctrine was false in law as it was opposed to morality and the law of nature. For it had been well said, that nobility in its origin had existed for the public good, and now that its useful functions ceases (sic) the social distinction ceases

with them. In Canada the seigneurs had never been held by any other right--had never fulfilled any other duty--than the cultivator of the land. He was neither communist nor socialist; but he would not say that the right of property was sacred except in so far as it was useful--in so far it was sanctified by labour. (He here read the conditions of the titles of the seignory of Sorelanzes (sic), alluded to by Col. Guty, and showed that the seigneur was to tenir feu et lieu and condeded (sic) to settlers.) Those were the conditions and it was evident that the obligation to concede must be a nullity unless a maximum rate was fixed. The burden of lodes (sic) et ventes fall on no one except when he sold his land, and this took place very rarely. If therefore it were proposed to make all pay the capital which this occasional change represented, great injustice would be inflicted on those who perhaps had no intention of selling, and therefore of increasing the obligation. The rentes so much complained of, amounted to nothing at all; and he did not think that the people of Lower Canada groaned under them as was represented by the member for Toronto. Besides, they existed in England with much more ridiculous conditions, as must occur to every one, who remembered the obligation on certain bodies to ride round the Steward's court seated in a very grotesque manner, on an animal little fitted for equestrian purposes. But the conclusion of all the hon. members' pity amounted to no more than this. Anything you pleased might be done in Lower Canada, but Upper Canada was to do nothing to release her from her hardships. He went on to express his opinion that oppression of the censitaires was not universal; and that though the increase of rente might have taken place in some places, the declaratory law proposed by Dr. Davignon would do great injustice to third parties who had purchased in good faith. Besides, this would not commute the tenure; and as the first part of the Hon. Attorney General's resolutions declared that to be necessary, it was something like contradiction to amend the latter portion by speaking of a declaratory law which supported the continuance of the system. He thought the only things to be complained of were the banalité, the lodes (sic) et ventes, and the retrait conventionel. When he lately read in a Montreal paper an account of an act of injustice under the latter of these rights, he admitted the hardship, but he asked why the agreement was made, that at least was not compulsory. He held that the greatest injury to be inflicted on the seigneur was the putting forward of pretensions to an absolute right, because it would teach other parties to encroach on rights which they really did not possess. He held, too, that no one had a right to keep wild land out of cultivation, and would remedy that evil by placing a heavy tax on those lands. This, he thought, was absolutely necessary for the safety of the State, in order to prevent the emigration constantly going out to the United States. He concluded by saying that he would vote for the resolutions, and against the amendments.<sup>164</sup> The project of the hon. member for Rouville could only be an embarrassment to the committee.<sup>165</sup>

MR. HOLMES said there were no petitions or instructions upon which he was called upon to act; but he felt that it would be a dereliction of duty, were he not to express his acknowledgements to the Attorney-General East for his support of the resolutions, and the manner in which he had explained the law upon the subject. He (Mr. H.) perfectly agreed with the learned Attorney-General, that it was desirable with reference to the seigneurs themselves, that this question should be set at rest, and who, if the subject of agitation continued longer, would be glad to escape with the vestige of property they at present possess<sup>166</sup> and if the agitation upon it went on, the seigniors might be glad to escape with their lives.<sup>167</sup> Entertaining this feeling, he hoped the members of Upper Canada would give the question due consideration. Hon. gentlemen, he said, should understand that the grievance had been to Lower Canada what the Clergy Reserves were to the Upper Province; and they could not enter into a proper consideration of



the subject unless they could understand thoroughly the operation and effects of the federal tenure. A good deal had been said about the evils of the present system by which the seigneuries are held, but all of them had not been explained.<sup>168</sup> Il parla du système et dit que quoiqu'un homme pouvait s'établir avec un très petit capital, néanmoins le système établissait un degré de dégradation qui empêchait le peuple de faire des progrès.<sup>169</sup> They had talked about cens et rentes and lods et ventes; but had said nothing about the droit de retrait which he showed conferred on the seignior the right of pre-emption.<sup>170</sup> He (Mr. H.) would take a case, where a man is in debt and is under the necessity of parting with his property; a purchaser is found, but the seigneur comes and takes it from him, because he says it has been sold too low.<sup>171</sup> He also enlarged on the evils of the droit de banalité. He compared the state of Upper Canada, and argued that the superior prosperity of the former was owing to the tenure.<sup>172</sup> Under the feudal tenure, there can be no energy of character, for a man cannot exercise any rights as a proprietor; and if the tenants would erect mills, the seigneur will not permit them. The hon. gentleman contrasted the situation of Upper Canada with that of Lower Canada.--In the former section of the Province, water power is used extensively; while in Lower Canada there is not a single mill where flour can be ground fit for exportation, except one put up by Mr. Gould<sup>173</sup>, depuis environ deux ans,<sup>174</sup> an American. The Canadian population now visit Montreal, he said, and buy Upper Canada flour for the use of their families; while not a barrel of flour with the Lower Canada brand was<sup>175</sup>, comme en Angleterre et qui était assez belle pour être exportée.<sup>176</sup> That was the effect of the droit de banalité.<sup>177</sup> The United States seldom import wheat, except in cases where its citizens come in and buy and grind it up for home consumption, to avoid the duty. Another effect of the present system is, that grain is sent to England and ground by the millers in England. In Upper Canada, merchants erect houses, and make 10 or 15 per cent by selling them. In Lower Canada they cannot do this, because the seigneur comes in and makes 12 percent on the amount of the sale. The seigneur will also enter upon the lands of the tenant and cut and carry away timber, and the tenant cannot oppose him.<sup>178</sup> De fait le système dégrade la population sans presque qu'elle s'en aperçoive et l'oblige de diviser ses terres à l'infini, de génération en génération, et de résider sur des petits lopins sans pouvoir les améliorer de crainte qu'elle soit forcée de se séparer de ses terres.<sup>179</sup>

MR. WILSON said that he did not consider this quite so great a grievance as it had been represented by some members. As to the right of banalite, it appeared that the Seigneur was bound to maintain the mill and could only exact one-fourteenth, for grinding the grain. In Upper Canada they charged one-twelfth and considered it a very poor business at that. Then, as to the rent<sup>180</sup>, the cens et rentes<sup>181</sup>, it appeared to be a mere trifle, not more than they in Upper Canada paid in taxes. The lodes (sic) et rentes appeared to him the great grievance of the tenure--the giving one-twelfth of the purchase money on a sale being made, not only on the original value but upon the improvements made by the seller. He did not think that the Seigneurs were bound to give up their rights, but he thought it would be to their advantage and however galling it was to resign the controul, they exercised over their censitaires, it was for their interest to do so. He respected their feelings of regret at resigning these rights which they say their ancestors had enjoyed so long; but they had sufficient evidence in the United States that these rights must yield to public feeling which was opposed to them. If the censitaires were determined on a change their numbers could force the Seigneur into compliance just as the Sheriff's writ could not be enforced in the State of New York, when the whole people of the district were banded together against the landlord. Perhaps there could be no better time than the present for the settlement of this question. The censitaires were not yet so excited, so earnest in asserting their claims as to forget the claims of justice; if it were longer delayed a sense of their strength might make them more unreasonable. There appear-



ed to be no great difficulty in arriving at a rate of commutation and he trusted to see the change speedily and satisfactorily made.<sup>182</sup> He would vote for the resolutions of the Attorney General.<sup>183</sup>

M LAURIN condamne le présent système, mais le préférerait mille fois à une commutation forcée. Il dit que les seigneurs qui ont acheté les seigneuries dans lesquelles les rentes ont été augmentées, contrairement aux lois, qu'ils aient acheté de bonne ou de mauvaise foi ou par impertinence, ne devraient pas jouir des exactions et il était en faveur de la loi déclaratoire du membre de Rouville.<sup>184</sup> He did not think that the censitaire should be obliged to pay the high rates which had been imposed by the seigniors, and he thought that if those who bought seigniories were imprudent enough to purchase usurped rights that they only were responsible for their bad bargain. He wished to have the question referred to a Special Committee.<sup>185</sup> Il vote cependant pour les résolutions de M. Lafontaine, parce qu'elles ne l'engagent à aucun plan.<sup>186</sup>

MR. BADGLEY ((moved)) the committee ((rise)) to sit again to-morrow.<sup>187</sup>

(95)

and after some time spent therein,

Mr. Speaker resumed the Chair;

And Mr. Johnson reported, That the Committee had made some progress, and directed him to move for leave to sit again.

Ordered, That the Committee have leave to sit again to-morrow, and that it be then the first Order of the day.

The Order of the day for the second reading of the Bill to amend an Act to incorporate the St. Lawrence and Atlantic Railroad Company, and other Acts relative to the said Company, and to extend the powers of the said Company, being read;

The Bill was accordingly read a second time; and referred to the Standing Committee on Railroads and Telegraph Lines.

Orders deferred.

Ordered, That the remaining Orders of the day be postponed until to-morrow.

Then, on motion of the Honorable Mr. Attorney General Baldwin, seconded by Mr. Malloch,

The House adjourned.

FOOTNOTES: 25 JUNE 1850.

1. The following papers reported the debate on this matter in identical accounts: BRITISH COLONIST, 28 June 1850, NORTH AMERICAN, 28 June 1850, EXAMINER, 3 July 1850, and ST. CATHARINES JOURNAL, 4 July 1850. The debate was also reported by MONTREAL GAZETTE, 29 June 1850; and GLOBE, 27 June 1850.
2. GLOBE, 27 June 1850.
3. NORTH AMERICAN, 28 June 1850.
4. GLOBE, 27 June 1850.
5. IBID.
6. IBID.
7. IBID.
8. NORTH AMERICAN, 28 June 1850.
9. GLOBE, 27 June 1850.
10. NORTH AMERICAN, 28 June 1850.
11. GLOBE, 27 June 1850.
12. NORTH AMERICAN, 28 June 1850.
13. GLOBE, 27 June 1850.
14. NORTH AMERICAN, 28 June 1850.
15. GLOBE, 27 June 1850.
16. NORTH AMERICAN, 28 June 1850.
17. GLOBE, 27 June 1850.
18. NORTH AMERICAN, 28 June 1850.
19. IBID.
20. IBID.
21. GLOBE, 27 June 1850.
22. IBID.
23. NORTH AMERICAN, 28 June 1850.
24. MONTREAL GAZETTE, 29 June 1850.
25. GLOBE, 27 June 1850.
26. MONTREAL GAZETTE, 29 June 1850.
27. GLOBE, 27 June 1850.
28. The following papers reported the debate on this matter in identical accounts: LA MINERVE, 1 July 1850, and JOURNAL DE QUEBEC, 9 July 1850, copied from LA MINERVE. The following papers reported the debate in partially identical accounts: MONTREAL GAZETTE, 29 June 1850, and PILOT, 2 July 1850. The debate was also reported by L'AVENIR, 26 July 1850; and GLOBE, 27, 29 June 1850. PILOT, 29 June 1850, commented on Chauveau's speech.
29. MONTREAL GAZETTE, 29 June 1850.
30. LA MINERVE, 1 July 1850.
31. GLOBE, 27 June 1850.
32. LA MINERVE, 1 July 1850.
33. GLOBE, 27 June 1850.
34. LA MINERVE, 1 July 1850.
35. MONTREAL GAZETTE, 29 June 1850.
36. GLOBE, 27 June 1850.
37. LA MINERVE, 1 July 1850.
38. GLOBE, 27 June 1850.
39. LA MINERVE, 1 July 1850.
40. GLOBE, 27 June 1850.
41. LA MINERVE, 1 July 1850.
42. GLOBE, 27 June 1850.
43. LA MINERVE, 1 July 1850.
44. GLOBE, 27 June 1850.
45. LA MINERVE, 1 July 1850.
46. GLOBE, 27 June 1850.

47. MONTREAL GAZETTE, 29 June 1850.
48. GLOBE, 27 June 1850.
49. LA MINERVE, 1 July 1850.
50. GLOBE, 27 June 1850.
51. LA MINERVE, 1 July 1850.
52. GLOBE, 27 June 1850.
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54. MONTREAL GAZETTE, 29 June 1850.
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56. MONTREAL GAZETTE, 29 June 1850.
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59. MONTREAL GAZETTE, 29 June 1850.
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62. LA MINERVE, 1 July 1850.
63. GLOBE, 27 June 1850.
64. LA MINERVE, 1 July 1850.
65. MONTREAL GAZETTE, 29 June 1850.
66. GLOBE, 27 June 1850.
67. MONTREAL GAZETTE, 29 June 1850.
68. GLOBE, 27 June 1850.
69. LA MINERVE, 1 July 1850.
70. MONTREAL GAZETTE, 29 June 1850.
71. GLOBE, 27 June 1850.
72. MONTREAL GAZETTE, 29 June 1850.
73. GLOBE, 27 June 1850.
74. IBID.
75. MONTREAL GAZETTE, 27 June 1850.
76. GLOBE, 27 June 1850.
77. MONTREAL GAZETTE, 29 June 1850.
78. GLOBE, 27 June 1850.
79. MONTREAL GAZETTE, 29 June 1850.
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81. MONTREAL GAZETTE, 29 June 1850.
82. IBID.
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96. GLOBE, 27 June 1850.
97. MONTREAL GAZETTE, 29 June 1850.
98. LA MINERVE, 1 July 1850.
99. L'AVENIR, 26 July 1850.
100. MONTREAL GAZETTE, 29 June 1850.
101. GLOBE, 27 June 1850.



102. MONTREAL GAZETTE, 29 June 1850.
103. L'AVENIR, 26 July 1850.
104. GLOBE, 27 June 1850.
105. MONTREAL GAZETTE, 29 June 1850.
106. IBID.
107. GLOBE, 27 June 1850.
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114. L'AVENIR, 27 July 1850.
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116. IBID.
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143. LA MINERVE, 1 July 1850.
144. IBID.
145. GLOBE, 29 June 1850.
146. LA MINERVE, 1 July 1850.
147. MONTREAL GAZETTE, 29 June 1850.
148. IBID.
149. GLOBE, 29 June 1850.
150. LA MINERVE, 1 July 1850.
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152. LA MINERVE, 1 July 1850.
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156. LA MINERVE, 1 July 1850.

157. GLOBE, 29 June 1850.
158. LA MINERVE, 1 July 1850.
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160. MONTREAL GAZETTE, 29 June 1850.
161. LA MINERVE, 1 July 1850.
162. GLOBE, 29 June 1850.
163. IBID.
164. IBID.
165. MONTREAL GAZETTE, 29 June 1850.
166. GLOBE, 29 June 1850.
167. MONTREAL GAZETTE, 29 June 1850.
168. GLOBE, 29 June 1850.
169. L'AVENIR, 26 July 1850.
170. MONTREAL GAZETTE, 29 June 1850.
171. GLOBE, 29 June 1850.
172. MONTREAL GAZETTE, 29 June 1850.
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174. L'AVENIR, 26 July 1850.
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177. MONTREAL GAZETTE, 29 June 1850.
178. GLOBE, 29 June 1850.
179. L'AVENIR, 26 July 1850.
180. GLOBE, 29 June 1850.
181. MONTREAL GAZETTE, 29 June 1850.
182. GLOBE, 29 June 1850.
183. MONTREAL GAZETTE, 29 June 1850.
184. L'AVENIR, 26 July 1850.
185. MONTREAL GAZETTE, 29 June 1850.
186. L'AVENIR, 26 July 1850.
187. MONTREAL GAZETTE, 29 June 1850.

WEDNESDAY, 26 JUNE 1850.

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Petitions  
brought up.

THE following Petitions were severally brought up, and laid on the table:--

By Mr. DeWitt,--Two Petitions of the Council of the Municipality of the County of Beauharnois, Number Two; and the Petition of Reuben French, of the Seigniory of Lacolle, County of Huntingdon.

By the Honorable Mr. Merritt,--The Petition of John Anderson and others, colored inhabitants of the Town of St. Catharines.

By Mr. Fergusson,--The Petition of John Watt, Townreeve, of the Township of Nicol, on behalf of the Municipality of the said Township; the Petition of the Municipality of the Township of Waterloo; the Petition of the Municipality of the Township of Peel; the Petition of the Municipality of the Township of Eramosa; the Petition of the Municipality of the Township of Puslinch; and the Petition of Benjamin Thurtell, Esquire, on behalf of a public meeting of the inhabitants of the County of Waterloo.

By the Honorable Mr. LaTerrière,--The Petition of John LeSueur and others, of Chicoutimi.

By the Honorable Mr. Chabot,--The Petition of the Reverend Louis Proulx and others, on behalf of La Société Ecclésiastique de St. Michel.

By Sir Allan N. MacNab,--The Petition of Edward Crump and others, colored inhabitants of the City of Hamilton.

Petitions read.

Pursuant to the Order of the day, the following Petitions were read:--

Of Thomas Corcoran, of the Town of Bytown; representing that he obtained from Government a Licence to cut timber on certain waste lands of the Crown in the Township of Masham, for which lands a previous License had been issued to another party, and praying compensation for the damages sustained by him in consequence thereof.

Of the Municipality of the Township of Adelaide; praying the abolition of Division Courts, and the establishment of Commissioners' Courts in lieu thereof.

Of George B. Faribault, Esquire, of the City of Quebec, President of the Literary and Historical Society of Quebec, on behalf of the said Society; praying the usual aid in support of the said Society.

Petition of the  
Municipality  
of Sandwich;

Ordered, That the Petition of the Municipality of the Township of Sandwich, be referred to the Standing Committee on Railroads and Telegraph Lines.

Of J. Delany  
and others;  
Of S. James  
and others;  
Of E.A. Hodg-  
kinson and  
others;  
Of B. Gregory  
and others;

Ordered, That the Petition of James Delany and others, of the Township of Grantham; the Petition of Simon James and others, of the Township of Grantham; the Petition of E.A. Hodgkinson and others, of the Township of Grantham; and so much of the Petition of Barnaby Gregory and others, of the Township of Louth, County of Lincoln, as relates to retrenchment in the Public and Judicial Expenditure of the Province, be referred to the Special Committee appointed to enquire into the state of the Public Income and Expenditure of the Province, and other

references.

Of H. Parkes  
and others;  
Of W.C. Chase  
and others;  
Of H. Brownlee

Ordered, That the Petition of H. Parkes and others, of the Township of Grantham, District of Niagara; the Petition of W.C. Chase and others, of the Township of Grantham, District of Niagara; the Petition of Henry Brownlee and others, of the Township of Grantham; and so much of



and others;  
Of B. Gregory  
and others;

the Petition of Barnaby Gregory and others, of the  
 (96)

Township of Louth, County of Lincoln, as relates to a reduction of Law Costs, be referred to the Special Committee to which was referred the Bill to amend the Law, simplify the practice, and reduce the expense of legal proceedings in Upper Canada, and another reference.

Of S. Pinnock  
and others,  
referred.

Ordered, That the Petition of Samuel Pinnock and others, of the Townships of Hillier and Ameliasburgh, District of Prince Edward, be referred to the Standing Committee on Standing Orders.

First Report of  
Committee on  
Private Bills.

The Honorable Mr. Badgley, from the Standing Committee on Miscellaneous Private Bills, presented to the House the First Report of the said Committee; which was read, as followeth:--

Your Committee have examined the Bill to authorize Aaron Silverthorn and Newman Silverthorn, their heirs or assigns, to build a Dam across the River Thames, and have made an amendment thereto, which they beg leave to submit for the consideration of Your Honorable House.

On motion of the Honorable Mr. Badgley, seconded by the Honorable Mr. Robinson,

Private Bills.

Resolved, That the time for receiving Private Bills be further extended to the twenty-ninth of June instant.

Report on  
Petition of  
L. Misener  
and others.

Mr. McFarland, from the Select Committee to which was referred the Petition of Leonard Misener and others, of the Township of Wainfleet, presented to the House the Report of the said Committee; which was read, as followeth:--

Your Committee have examined the Petition of Leonard Misener and others, praying that an Act may be passed to prevent the hounding of Deer, and are of opinion that it is desirable that measures should be adopted for the proper protection not only of Deer, but other Game, as regards the time for hunting or taking the same; they would therefore respectfully recommend to Your Honorable House to pass a Law forbidding the hounding of Deer, or the taking of other Game, except during certain months of the year.

Game Bill.

Ordered, That Mr. McFarland have leave to bring in a Bill to prevent the hunting of Deer with Hounds, except during particular months, and to alter the period for killing Woodcocks and wild Ducks.

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time, on Monday next.

Ninth Report  
of Committee  
on Standing  
Orders.

Mr. Laurin, from the Standing Committee on Standing Orders, presented to the House the Ninth Report of the said Committee; which was read, as followeth:--

Your Committee have examined the Petition of O. Rémond and others, Branch Pilots for the navigation of the St. Lawrence between Quebec and Montreal, praying for an Act of incorporation, and they find that notice was published in the Canada Gazette only; as however the matter in question cannot be said to relate to any particular District, but merely to the navigation of a portion of the River St. Lawrence, Your Committee are of opinion that it is rather a Provincial than a local matter, and would respectfully recommend that a notice in the official Gazette be deemed sufficient.

With respect to the Petition of the Town Council of London, for authority to reduce the width of certain streets in that Town, and to convey the excess of

land to the owners of lots fronting thereon, it does not appear to Your Committee that any notice has been given.

Pilots' Incorporation Bill.

Ordered, That Mr. Duchesnay have leave to bring in a Bill to incorporate the Pilots for and above the Harbour of Quebec.

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time, on Monday next.

Freedom of Banking Bill.

Ordered, That the Honorable Mr. Merritt have leave to bring in a Bill to establish Freedom of Banking in this Province, and for other purposes relative to Banks and

Banking.

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time, on Tuesday next.

On motion of Mr. Notman, seconded by Mr. Davignon,

Silverthorns' Dam Bill.

Ordered, That the Bill to authorize Aaron Silverthorn and Newman Silverthorn, their heirs or assigns, to build a Dam across the River Thames, as reported from the Stand-

ing Committee on Miscellaneous Private Bills, be committed to a Committee of the whole House, for Monday next.

Seigniorial Tenure.

The Order of the Day for the House in Committee, to consider the expediency of abolishing the Seigniorial Tenure in Lower Canada, being read;

The House accordingly resolved itself into the said Committee.

Mr. Johnson took the Chair of the Committee; and after some time spent therein,

Mr. Speaker resumed the Chair;

And Mr. Johnson reported, That the Committee had come to several Resolutions; which were read, as follow:--

1. Resolved, That the Seigniorial Tenure in Lower Canada is a matter of public concern which it is the duty of the Provincial Legislature to take into consideration, more especially now that the subject has attracted the public attention in a high degree; and that it is therefore important to effect, at as early a period as possible, the conversion of the said Tenure into a free one, taking care that all the interests concerned are protected and equitably adjusted.

2. Resolved, That such Commutation of Tenure can only be effected by securing a fair indemnity to all parties whose just rights it will affect.

The first Resolution being read a second time, and the Question being put, That this House doth concur with the Committee in the said Resolution;<sup>1</sup>

MR. VIGER (in French)<sup>2</sup>: comme seigneur se déclare prêt à concourir dans la mesure du Procureur-Général; la manière dont il a introduit ces résolutions, dit-il, m'inspire de la confiance dans la justice de ses intentions. Je n'entrerais pas dans la question de savoir si les seigneurs sont propriétaires ou dépositaires; car je prétends que la loi protège les droits du seigneur et ceux du censitaire, mais plus particulièrement ceux de ce dernier. Je pense qu'en dépit des contrats le censitaire peut s'opposer au seigneur et demander la réparation de l'injustice à lui faite par l'augmentation du taux de rente, quand il y a réellement injustice. Le rapport des ci-devant Commissaires me prouve qu'ils n'ont pas rempli l'objet pour lequel ils avaient été nommés. Ils auraient dû décider, s'il y avait quelque différence dans les termes des contrats par lesquels les seigneurs tiennent leurs seigneuries de la couronne, et s'il y en avait,



quelle différence cela devait faire dans les droits acquis en vertu de ces contrats. Ils n'ont rien fait de semblable.<sup>3</sup> Since his youth he had had several titles to seigniories in his hands, and if some of them were known, they might surprise the public.<sup>4</sup> Je sais que les contrats qui fixent le taux des rentes sont très rares; mais il y en a. Je pense que j'en connais trois qui renferment cette disposition.<sup>5</sup>

MR. CHRISTIE ((interrupted with a)) question<sup>6</sup>.

MR. VIGER ((repondît)): La condition de la seigneurie de Beaumont<sup>7</sup> OR Beauport<sup>8</sup> est d'un sous par arpent, et d'un minot d'orge, et au meilleur de ma connaissance, dans toute cette seigneurie, il n'y a pas d'acte de concession qui exige de plus hautes rentes.<sup>9</sup> He mentioned some other cases. The last Administration had passed an Act to authorise voluntary commutation, and since that time he had used all his influence with the most enlightened habitants to get them to commute.<sup>10</sup> Quel résultat a produit la commutation volontaire établie dans quelques seigneuries? Il est évident que le censitaire désire alléger le fardeau qui pèse sur lui, tandis que le seigneur veut préserver les droits sacrés de la propriété. Il reste à trouver le moyen d'ajuster ces deux désirs différents. Je suis d'opinion qu'il n'y a rien pour fixer le taux des rentes, excepté dans les contrats que je viens de mentionner. Avant de m'asseoir je ferai une observation. L'hon. membre pour London a dit que, comme membre du Haut-Canada, il désire rendre justice à tous. C'est aussi ce que je désire.<sup>11</sup>

MR. LACOSTE spoke in French<sup>12</sup>. ((Il)) fait consister toute son opposition à la tenure seigneuriale dans les droits des seigneurs sur les pouvoirs d'eau, le droit de banalité et les lods et ventes qui réunis, sont un obstacle aux établissements manufacturiers et autres améliorations industrielles<sup>13</sup> as it prevented the building of mills. The lods et ventes were an obstacle to prosperity and progress. These two droits comprised the grand question according to his view and bore the hardest on the general interests of the country. If these rights did not exist mills might be built and they would tend to advance the prosperity of the country as they did in the States.<sup>14</sup> Il faut un changement, dit-il, non seulement dans l'intérêt des individus, mais dans l'intérêt de la société en général. Je pense que la commutation volontaire prolongerait le système actuel inutilement et injustement envers beaucoup de personnes.<sup>15</sup> A forced rachat would be of the greatest benefit to the country.<sup>16</sup> Je désire de suite une commutation compulsoire, mais la question est de savoir qui payera pour cette commutation. Maintenant, je pense que l'avantage du changement ne retomberait pas seulement sur le propriétaire; mais que toutes les classes de la société y étant intéressées, toutes doivent payer pour l'obtenir. Il est donc très juste que le gouvernement paye le prix de la commutation; et je ne consentirai jamais à ce que tout le fardeau retombe sur les censitaires. Le calcul prouve que le coût de la commutation serait si élevé qu'il ruinerait les censitaires, si le public ou le gouvernement ne leur venait en aide.<sup>17</sup> The hon. member for Toronto had objected to that. He asked if it should not be just that the government should apply to this purpose what seigniories it had in its possession. But it was for the advantage of all classes as was the Welland Canal<sup>18</sup>. Le canal Welland a été construit, il est vrai, pour l'avantage du commerce; mais sa construction a créé beaucoup de pouvoirs d'eau pour le Haut-Canada. Il a été construit avec les fonds publics; et je le demande, pourquoi n'emploierait-on pas des fonds publics pour racheter les pouvoirs d'eau dans le Bas-Canada? Qu'est-ce qui a rendu les terres des seigneuries précieuses pour le seigneur?<sup>19</sup> If it were refused it would be injustice to Lower Canada to refuse money to free its water powers, when it was given to Upper Canada to open its Canals.<sup>20</sup> C'est le travail du censitaire qui a fait disparaître les forêts de la seigneurie et préparé le sol à la culture. Et l'hon. membre pour St. Hyacinthe a très justement fait remarquer que les



seigneurs ne payent jamais de taxes pour leurs propriétés<sup>21</sup> ((or)) ... for making and keeping in order the roads. He distinguished between the droit de banalité, the lods et ventes, and the cens et rentes. The two first he considered of public concern, and for which it should pay; while the last was<sup>22</sup> une affaire privée entre le seigneur et le censitaire, et bien que je la croie injuste sous un certain rapport, je ne puis voir comment l'acheteur, qui paye moins pour la terre sur laquelle la rente est élevée, peut se plaindre de ce qu'il a volontiers accepté. En même temps, je ne sais pas si le seigneur doit recevoir l'avantage de l'injustice, et à ce sujet je prendrai la liberté de mentionner un changement survenu dans la jurisprudence par lequel on a établi que le contrat de vente ne donne pas droit aux lods et ventes, tandis que, suivant l'ancien droit, la possession seule donnait lieu à ce bénéfice. Par cette décision, les lods et ventes, sont dûs à chaque vente, quand même plusieurs ventes auraient lieu dans le même jour, sans changement ou avec un seul changement de possession. Maintenant plusieurs personnes qui achetèrent de cette manière eurent à payer une augmentation de droits parce (sic) qu'elles ne connaissaient pas la loi. Je pense que la même chose doit avoir lieu pour les seigneurs, s'ils ont payé trop cher pour leurs propriétés, sous l'impression qu'ils pourraient prélever de plus hautes rentes que celles que la loi permet, ils doivent perdre aussi par leur ignorance de la loi ou pour leur intention de l'éluder. La différence entre ce que le censitaire a donné et ce que le seigneur avait droit de recevoir, peut entrer dans le prix de la commutation.<sup>23</sup>

MR. VIGER said this was the case when there was no profit made. Half a dozen transfers might have taken place in one day without profit being made, but if profit were made the lods would have to be paid.<sup>24</sup>

DR. LATERRIERE made some remarks expressing his affection for, and his admiration of the Seigniorial Tenure; but still giving his adhesion to the resolutions of the Attorney General.<sup>25</sup>

MR. AT. GEN. LAFONTAINE s'opposa aux vues de M. Lacoste sur le coût de la commutation. Le coût de la commutation ne dépend pas de la valeur des terres dans la seigneurie, mais de la valeur probable des lods et ventes, sorte de propriété sui generis qui doit être sujette à l'estimation, et l'estimation montrera que cette valeur est beaucoup moindre que ne le suppose l'hon. membre.<sup>26</sup> It was not then on the basis of the value of the lands, that a Seignory was to be valued, as was commonly supposed out of doors.<sup>27</sup> Du reste, il est facile de montrer que ceux qui se plaignent ainsi de l'augmentation des rentes sont ordinairement des tiers-personnes qui ont acheté leur propriété et qui ont payé tant de moins, en proportion des rentes. Ces personnes ne perdent donc pas par l'élévation des rentes. Si les plus hautes rentes se montent à £6, elles représentent un capital de cent louis qui est déduit du prix qu'il paye en achetant sa propriété. Les seules personnes qui ont réellement droit de se plaindre des taux de rente sont les premiers concessionnaires. Mais l'hon. membre pour Chambly n'a pas dit comment ces personnes pourraient profiter de l'abolition des droits des seigneurs, dans le cas où elles auraient cédé leurs propriétés à de nouveaux propriétaires.<sup>28</sup>

MR. LACOSTE admitted that he did not think that the Seignors (sic) should be paid.<sup>29</sup>

MR. LEMIEUX parla en faveur de la loi déclaratoire, contre les taux de rentes élevées.<sup>30</sup>

MR. BADGLEY remarked on rising that he was induced to trouble the house upon the subject with reference to the proposed settlement of the indemnity which the agitators of the question appeared to claim from the public revenues, and supported the observations by reading from a resolution of a Seigniorial Tenure Convention held in Montreal, to the effect that the Government should be called ...

part of the commutation. This he ... could not concur in. The settlement of this difficulty was altogether between the parties concerned, the tenant and the seignior; it was a matter of private settlement in which they alone and not the public revenues were concerned. He thought the reasons just given by the hon. Attorney General for Lower Canada were quite sufficient, that the Government should not be called upon to aid the censitaires, and well nigh to prevent its being made the subject of discussion at all--the present tenants are purchasers, not original grantees,--they are purchasers of lands subject to a certain amount of rentes, well knowing that those rentes represent capital, and that in making the purchase that capital was assumed as part of the bargain, and the amount of the purchase given was interest by so much capital as were represented by the rentes. He therefore believed that the present tenants had settled this question between themselves, and the seigniors; as when they purchased their farms they did so under the present high rates of rentes, and consequently paid less for them. He did not think that they had the right to come to that house for an indemnity upon a bargain which they knowingly entered upon and for which they were not sufferers in any way. The honorable members from Upper Canada must not be abused by terms, or believe that our feudal tenure was unknown in England. This very tenure was in effect similar to the copyhold tenure in England. There was then under the copy hold tenure an arbitrary fine to be paid; but in a somewhat different manner to that of this country. And it was this mutation fine which was the most burthensome. Here the hon. member explained that it never could be expected that improvements could be made on properties when one-twelfth of the whole was to be paid for this purpose every time a sale took place. He then explained the system as it is known and practised in Lower Canada, and said that the fine in that respect was more burthensome in Lower Canada than it was in France. In Lower Canada farmers lived upon their lands in dwellings erected by them, whereas in France the farmers generally lived in hamlets or villages, the lods et ventes in France applied to the sale of the land only, and not to the buildings and improvements on it. He would not have so much objection to the lods et ventes being paid on lands; but he did not see any right or justice why they should be paid on buildings. He would not have the honorable gentlemen from Upper Canada to labour under the ... idea that the barbarities of the old feudal ages existed in Lower Canada, none of the personal services which existed in France, and required a revolution to abate, exist in our province, and with the exception of some imperious conditions, the cens et rentes, the lods et ventes, and a few other feudal incidents alone remained. Some of these were bad, such as retraits, which were originally introduced for the protection of the Seignior, and the prevention of fraud, like the right of the Custom's officer, to take at the given valuation, property entered at a given, but really lower value than the true one; that was well, but the Seigniors have claimed the operation of the retrait upon a Sheriff's sale, where public competition was invited, and whom the parties could not collude to, defraud the Seignior. He trusted that this committee would take up the entire question, and as the feudal law had led to agitation and abuses, and the remedy might be discovered by the committee. He would support the resolutions before the House.<sup>31</sup>

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*The House divided: and the names being called for, they were taken down, as follow:--*

YEAS.

*Messieurs Armstrong, Badgley, Boulton of NORFOLK, Bouthillier, Cameron of CORNWALL, Cameron of KENT, Cartier, Cauchon, Cayley, Chabot, Christie, Davignon, DeWitt, Dickson, Duchesnay, Dumas, Fortier, Fournier, Fourquin, Gugy, Guillet, Hall, Holmes, Hopkins, Jobin, Johnson, Lacoste, Attorney General LaFontaine, LaTerrière, Laurin, Lemieux, Lyon, Sir Allan N. MacNab, McConnell, Méthot, Meyers,*



Mongenais, Morrison, Papineau, Polette, Price, Prince, Robinson, Ross, Sauvageau, Scott of TWO MOUNTAINS, Seymour, Sherwood of TORONTO, Smith of FRONTENAC, Smith of WENTWORTH, Stevenson, Taché, and Viger.--(53.)

NAY.

Mr. Marquis.--(1.)

So it was resolved in the Affirmative.

(97)

The second Resolution being read a second time, and the Question being put, That this House doth concur with the Committee in the said Resolution;

The House divided: and the names being called for, they were taken down as in the last preceding division.

So it was resolved in the Affirmative.

The Honorable Mr. Attorney General LaFontaine moved, seconded by Mr. Jobin, and the Question being proposed, That the foregoing Resolutions be referred to a Select Committee of nine Members, to report the different plans hitherto suggested for effecting the said Commutation, together with their own opinions; with power to send for persons, papers, and records, and to report from time to time; and that the Honorable Mr. LaTerrière, the Honorable Mr. Badgley, Mr. Gugy, Mr. Lemieux, Mr. Dumas, Mr. Polette, Mr. Jobin, Mr. Armstrong, and the mover, do compose the said Committee.

Mr. Davignon moved in amendment to the Question, seconded by Mr. Lemieux, That all the words after "time to time" to the end of the Question be left out, and the words "and that the said Committee be named by this House" added instead thereof;

And the Question being put on the Amendment:--It was resolved in the Affirmative.

Then the main Question, so amended, being put;

Resolved, That the foregoing Resolutions be referred to a Select Committee of nine Members; to report the different plans hitherto suggested for effecting the said Commutation, together with their own opinions; with power to send for persons, papers, and records, and to report from time to time; and that the said Committee be named by this House.

Ordered, That the Honorable Mr. Attorney General LaFontaine, the Honorable Mr. Badgley, Mr. Davignon, Mr. Bouthillier, Mr. Polette, the Honorable Mr. Viger, Mr. Lemieux, Mr. Armstrong, and the Honorable Mr. LaTerrière, do compose the said Committee.

DR. DAVIGNON rose to move the resolution of which he had given notice. He read it.<sup>32</sup> ((Il)) dit qu'il avait quelques observations à faire, mais qu'il ne voulait pas faire perdre le temps de la chambre.<sup>33</sup> He defended himself from the attacks which had been made upon him. He was not a socialist as had been insinuated by Mr. Lafontaine.<sup>34</sup> Son intention était de laver du reproche de socialisme les conventionnels de Montréal, et pour cela il lut quelques-unes des résolutions passées à ces assemblées. Il repoussa l'assertion que les seigneurs avaient un droit acquis sur les rentes exorbitantes qu'ils prélèvent. Il répondit à M. Papineau qui avait exprimé du mépris pour les agitateurs, qu'il avait été lui-même le plus grand des agitateurs.<sup>35</sup> He concluded by moving his resolution<sup>36</sup>.

MR. AT. GEN. LAFONTAINE opposed the motion, as it was in opposition to the resolution just passed, and did not propose any commutation at all, but the passing of a declaratory law embodying the individual opinions of the mover.<sup>37</sup> The House could not then appoint itself into a judicial tribunal.<sup>38</sup>

MR. BADGLEY thought that it would be better for the whole matter to go before the committee.<sup>39</sup>



Some further discussion ((ensued))<sup>40</sup>.

(97)

Mr. Davignon moved, seconded by Mr. Lemieux, and the Question being proposed, That it is expedient to relieve by declaratory enactment, all such Lands en roture in any Seigniority in this Province, of any and all rentes, pretended Seigniorial redevances, dues, charges, or incumbrances of whatsoever description, imposed or stipulated to the prejudice of the censitaire or landholder, whether by the original title deeds of concession, or on the renewals thereof by the Seignior for the time being, as from time to time have taken place in various Seigniories, not only without the authority of Law, but in contravention of the ancient Laws of the Province, and to the purpose and spirit pursuant to which the grant of these Seigniories were originally made by the Crown of France to the original Grantees; and to adopt measures as well to put an end to, as to prevent in future, the abuses which, to the prejudice of the censitaire or landholder, the Feudal or Seigniorial Tenure has, by certain Seigniors, been perverted; and to re-establish the said Tenure in its original purity, in accordance with the ancient Laws and usages of Canada; with an Instruction to the said Committee to report on the means to be adopted to obtain the said result;

Mr. Davignon moved in amendment to the Question, seconded by Mr. Lemieux, that all the words after "That" to the end of the Question be left out, in order to add the words "it be an Instruction to the said Committee to enquire whether the Seigniors of Lower Canada, or any of them, have imposed upon their censitaires any illegal rents, charges, or other incumbrances; and whether, in the event of the said Committee being of opinion that a commutation of the Seigniorial Tenure in Lower Canada cannot be effected without considerable delay, it would not be expedient and just to define by declaratory enactment, or otherwise, the mode in which persons desirous of obtaining concessions of land in such Seigniories may compel Seigniors to make such concessions, and the rate at which such concessions should in future be made;"

And the Question being put on the Amendment;--It was resolved in the Affirmative.

Then the main Question, so amended, being put;

Ordered, That it be an Instruction to the said Committee to enquire whether the Seigniors of Lower Canada, or any of them, have imposed upon their censitaires any illegal rents, charges, or other incumbrances; and whether, in the event of the said Committee being of opinion that a commutation of the Seigniorial Tenure in Lower Canada cannot be effected without considerable delay, it would not be expedient and just to define by declaratory enactment, or other wise, the mode in which persons desirous of obtaining concessions of land in such Seigniories may compel Seigniors to make such concessions, and the rate at which such concessions should in future be made.

Common  
Schools  
(U.C.) Bill.

The Order of the day for the second reading of the Bill for the better establishment and maintenance of Common Schools in Upper Canada, being read;<sup>41</sup>

MR. INSP. GEN. HINCKS then moved the second reading of the Bill for the better establishment of Common Schools in Upper Canada.<sup>42</sup> He explained that the bill of last session had been passed in haste, and that it was imperfect. He had been at great pains to acquire information during the recess, and he had in a particular manner to express his indebtedness to the intelligent chief superintendent of education, from whom he had received some very valuable information.<sup>43</sup> He did not think there was any necessity for going into it at length, as the alterations he proposed to effect were merely matters of detail, and could be discussed with more advantage in Committee. He would say a few words, however, with reference to the clause affecting the coloured population, which, as he understood gave them offence.<sup>44</sup> He read the clause. It was to the effect of permitting

municipalities to set apart separate schools for the colored population, on the ground that there existed prejudices against them.<sup>45</sup> Whether the bill could be framed in such a manner as to meet their views, was more than he could tell; but he believed that when that clause was introduced into the former bill, it was the intention of the framer not to give them any offence, but to relieve them from inconveniences that were thrown in their way in some parts of the Province. He then drew attention to that clause; that whereas the children of the colored population had been prevented from attending the public schools, through the prejudices entertained against them, therefore the different municipalities should have power to erect separate schools for their education. Now, the fact was, that he despised those prejudices as much as any man, but it was impossible for him or any one else to conceal from themselves that those prejudices did exist, and that the coloured children in some cases were prevented altogether from attending the schools. It would, therefore, be more to their advantage to let the clause stand in its present shape, and there could be very little doubt that as the prejudices diminished, the power conferred on the municipalities would be very little used<sup>46</sup> and he hoped the municipalities would take an enlightened view of the matter.<sup>47</sup> There was another clause much to the same purport, empowering municipal bodies to establish separate schools for Catholics and Protestants. He conceived that it was necessary to grant this power in some cases, but that it should not be rendered obligatory<sup>48</sup>. He thought it was not advisable for the Legislature to give too much encouragement to the practice of establishing schools on a denominational basis, for it leads to endless division.<sup>49</sup>

MR. W. BOULTON (Toronto) condemned the clause<sup>50</sup> referred to by the Inspector General, as we do not recognise in Canada any distinctions of race<sup>51</sup> et de couleurs<sup>52</sup> and he was surprised to hear the hon. gentleman say that in consequence of certain prejudices--therefore it was necessary, &c.<sup>53</sup> He did not think that this legislature should recognize, or authorize any municipality to authorize that prejudice which the clause recited against the colored population.<sup>54</sup> Il pense qu'il peut être désirable de donner au peuple nègre le pouvoir d'avoir une école séparée, s'il le désire, mais certainement, on ne doit donner à aucun corps d'hommes dans ce pays le pouvoir de lui faire une position distincte des autres hommes.<sup>55</sup> He had seen a young coloured man, who was educated at the College, and who, if not the best classical scholar, was certainly the best Hebrew scholar ever educated there.<sup>56</sup> Les hommes de couleur sont procureurs-généraux et occupent d'autres postes élevés dans la Jamaïque<sup>57</sup>. The present Attorney General of Jamaica was, not exactly a black, but was a colored man.<sup>58</sup> These instances showed the capacity of that race, and the desirableness of abandoning and discouraging those prejudices. He was, therefore, of opinion that the power of establishing separate schools should not be conferred on any municipal body, except on the demand of the coloured population, and in that case alone.<sup>59</sup> He trusted the clause would be erased from the bill.<sup>60</sup>

MR. CARTIER said, that although not a representative of this section of that Province, he had been waited on by several of the coloured people of Toronto, and he hoped that the Inspector General would have no objection to erase this offending clause from the bill. The coloured people should not be kept out of the schools by their brethren until they complained that such was the case.<sup>61</sup>

COL. PRINCE had drawn up that clause himself, and procured its insertion by the present Judge Draper, at the earnest request of three hundred colored people in his part of the country. It might, however, be modified in the manner recommended by the hon. member for Toronto, so as to give more satisfaction. The truth was that the coloured population of Toronto, who are few and respectable, knew nothing whatever of their brethren in the far West, who, he regretted to say, were very numerous and otherwise than respectable, being composed of fugitive



slaves or their immediate descendants, and if a clause of that nature were not inserted in the bill, it would be impossible for their children to attend the schools.<sup>62</sup>

MR. H. SHERWOOD (Toronto) spoke against the clause. He had a petition from some colored people against it, which set forth their reasons with great force.<sup>63</sup> ((He)) said it would be inconsistent with our repeated boasts of the liberty of man, of every race, of every colour, who stood on British soil, and with the immense efforts of Britain to achieve the freedom of the coloured population, if an act of that House recognized any distinctions<sup>64</sup> giving the municipalities power to exclude coloured children from the ordinary schools; as such a practice would be unjust and could not fail to engender serious dissensions of race.<sup>65</sup> He looked upon the coloured population of this city as a highly respectable body of men, seldom in difficulties, in many instances accumulating by their exertions a little fortune, and entitled to respect. Under these circumstances he hoped that when the Bill came before the committee, the clause would be framed in such a manner, as to permit the establishment of separate schools only when the colored people demand it.<sup>66</sup>

(97)

*The Bill was accordingly read a second time; and committed to a Committee of the whole House, for Friday next.*

Notarial Profession organization Bill.

*The Order of the day for the second reading of the Bill to amend and consolidate the Act providing for the organization of the Notarial Profession in Lower Canada, being read;*

*The Bill was accordingly read a second time; and referred to a Select Committee, composed of Mr. Jobin, the Honorable Mr. Chabot, Mr. Guillet, Mr. Lacoste, the Honorable Mr. LaTerrière, Mr. Dumas, and Mr. Laurin, to report thereon with all convenient speed; with power to send for persons, papers, and records.*

Bill to exclude certain persons from Offices.

*The Order of the day for the second reading of the Bill to exclude persons from Offices who have been concerned in creating them, or increasing their emoluments, being read;*

*Ordered, That the Bill be read a second time, to-morrow.*

Criminal Laws Consolidation Bill.

*The Order of the day for the second reading of the Bill to amend and consolidate the Criminal Laws of this Province, being read;*

*Ordered, That the Bill be read a second time, on Tuesday next.*

Code of Criminal Procedure Bill.

*The Order of the day for the second reading of the Bill to establish a Code of Criminal Procedure in this Province, being read;*

*Ordered, That the Bill be read a second time, on Tuesday next.*

Vessels Night Light Bill.

*The Order of the day for the second reading of the Bill to amend an Act, intituled, "An Act to compel Vessels to carry a Light during the Night, and to make sundry provisions to regulate the navigation of the waters of this Province," being read;*

*Ordered, That the Bill be read a second time, to-morrow.*

Usury Law Bill.

*The Order of the day for the second reading of the Bill to alter the Law of Usury, being read;*

(98)

*The Honorable Mr. Sherwood moved, seconded by Mr. Holmes, and the Question*



*being put, That the Bill be now read a second time;*<sup>67</sup>

MR. H. SHERWOOD (Toronto), in proposing the second reading of this Bill, said that the repeal of these laws was one of the reforms most urgently demanded by the country. When he introduced this Bill last Session, he was asked why he did so, when no petitions were laid on the table praying for its enactment. He was proud to say that he had now in his favor the expression of opinion of those very influential bodies the Boards of Trade, and also a general expression of public opinion, insisting on the absolute necessity of a change, and that the obstructive laws now in existence should be abolished. Almost every one has seen those laws--the relics of a barbarous age--violated daily in the offices of professional men, in commercial transactions, and even by those engaged in agricultural pursuits; and they have seen juries giving verdicts in favor of the parties whom it was attempted to punish for a palpable infraction of those laws. Would they say that an alteration should not be made when that was the state of affairs? Nothing was clearer than this principle; when you discover that the people treat as a perfect nullity any particular law, and violate its provisions it should at once (unless it be for the prevention of crime) be erased from the Statute Book, or modified as to meet the exigencies of the case. Well, that was the case in the present instance, and he had not heard a single argument urged in favor of the Usury Law by any one who opposed his Bill. Hon. gentlemen would rise in their places and say that it would be productive of mischief, and that it would operate injuriously on those who had already borrowed money, and had entered into contracts for its re-payment. If that could be established, he would admit that it might have some force; but he did not believe it could be shown, and he would like to ask, why the people of this Province should not have the right of dealing unrestrictedly in money as well as everything else. Are the people so blind, so unable to judge of what is necessary to their own interests, that it becomes necessary to enact laws to prevent them from injuring themselves? Certainly not. If the people of Upper Canada have the power to exercise the elective franchise, to elect men to change or modify these laws, if they have the power of purchasing landed or personal property as they please, at what price they please, they ought surely to have the power to dispose of their money, or to borrow money at what price they please. It was just as impossible to legislate the marketable value of money as to fix the Mercury in a barometer. Its value can only be enforced by competition. It will always bring precisely what it is worth: and however the law may limit the amount of profit to be derived from use of money, it will, like any other commodity, fluctuate in the market, and the interest of it rise and fall as the supply more or less approximates to the demand. No laws passed by that House could affect it in any degree, and he would defy them to pass one that would prevent its being disposed of at more than six per cent., if it were worth more. It must rise and fall according to the demand. That principle was incontrovertible. This principle had been established by the best political economists, and he did not believe any man could contend against it successfully. Let members take a review of the Usury Laws in England. Did they find that the Imperial Parliament retained those laws on the Statute Book? That they opposed the alteration of those laws? That they have retained a single relic of a law passed in barbarous times? When those laws were passed in England, the Parliament took on itself the power of regulating the price of every commodity. Flour, wheat and even bread could only be sold at a certain fixed standard. At that time the public mind was unenlightened, and doctrines prevailed that never could be submitted to at the present time. In England they gradually disappeared, one by one, as the cloud of ignorance was dispelled, and every one knows and sees that the change has been most beneficial. The movement was at first very cautious, he would admit. The law was, in the first place, passed for three months only, then it was extended for a short time longer; at last, as its beneficial effects be-

came fully felt, it was made permanent, and at the present moment any man who wants to borrow money in England, can make what bargain he pleases. He may give what interest he pleases, provided it is specified in the contract. If not specified, then the interest is fixed by law at five per cen (sic). It was true that none but commercial men could avail themselves of that liberty, but any person that would read the debates would see the policy that dictated the limitation. It is this: the tenure of land in England is very different from what it is in Canada. In many instances it is entailed, and young men, the heirs of large estates, knowing that the property must necessarily come into their hands, would very frequently borrow great sums of money, to be paid off on their coming into possession; and the parliament considered that under such circumstances the extensions of the law to all classes would possibly lead to the destruction of what they looked upon as a highly conservative body--the aristocracy (sic). Those considerations had great weight in England, but could have none in Canada. Every man here has the right to dispose of his property as he thinks fit. No young man here can say, "The property of my parent must come to me, whether my parents wish it or not," and he is not encouraged to incur heavy debts. The parent can dispose of it at any moment, or in any manner he pleases; if he did not wish the property acquired by his industry and labour to become the prey of extravagance. For that reason it was unnecessary that we should pay any attention ((to)) the causes which influenced the decisions of the English Parliament. On the contrary, there were strong reasons in favor of an extension. Why should a man holding a piece of land which by the outlay of capital he could improve materially, with a certainty of being repaid by his increased crops, be prevented from borrowing money for his purpose at a higher rate than six per cent., and in consequence be kept poor, and the public deprived of the benefit of his energy and enterprise. Every one knows that at this moment a far higher rate than six per cent is paid and that usurious interest is general throughout the country. A man wishing to obtain a loan goes to a capitalist. The latter will not lend him the money at six per cent as it is worth more in the market, and he can make more of it. What follows? The money can't be obtained at six per cent, but the usurer says "if you will bring me a mortgage on your property, for every hundred pounds mentioned in the paper, I will give you ninety." The man that wants money is obliged to accede to this exorbitant demand, and at the same time encumbers his property by a mortgage. He was then told that in Lower Canada usury was more general even than in this section of the Province.<sup>68</sup> He had received numbers of letters from that portion of the province, assuring him of that fact.<sup>69</sup> Then if that were the case, if the ingenuity of man is directed every day to find out some means of evading these laws, they should be at once repealed, for it was dangerous to the common welfare to admit to ((the)) public that laws were a nullity, and that they could violate them with impunity. There was also another argument which ought to carry with it a great deal of weight. Every man who lent money on usurious interest must make a charge sufficient to cover the risk. That is a principle carried out in policies of Insurance. The greater the risk the higher the charge. Well a man on looking at the law, finds that if he lends money at a higher interest than six per cent, that he has no power of recovering it by law, but is in danger of losing not merely what he lent, but three times that amount. It follows that in order to cover the risk he is obliged to demand an exorbitant interest, and money actually brings more than it is worth--certainly for more than it would if there were no usury laws in existence. That was the case everywhere. The more severe the laws were, the greater the infraction of those laws would be, and he hoped that hon. gentlemen who came there for the purpose of making practical reforms would<sup>70</sup> cast aside their prejudices, and allow people to manage their own affairs, so long as that did not interfere with the rights of others<sup>71</sup>, ((and)) assist him in the great reform he proposed for the benefit of all classes



of the community. He was not to be told that generally a man would borrow money at such rates as would ruin him. If a man were not able to manage his own affairs, let him adopt the principle of the old Roman law, and put his property into the hands of guardians, or let him be put into a lunatic asylum—but let not his incapacity act as an obstruction to the enterprise of his neighbours. The hon. gentleman then quoted from writings of the immortal Locke, to show the absurdity of legal restrictions on money. His master mind at once perceived that like every other marketable commodity its value must be regulated by the supply and demand, and that there was no greater possibility of determining it by law than there was a possibility of fixing the price of land at a certain rate. A writer of a still later date, Mr. McCulloch, states clearly that Legislative enactments have the effect of increasing the interest on money, on the principle he had already laid down, that a charge must be made corresponding to the risk incurred.<sup>72</sup> He referred to the opposition that had been made to his bill of last year by the Attorney General West. He characterized it as a stand still opposition. The hon. gentleman was stationary while all around him progressed.<sup>73</sup> Any restraint upon the absolute freedom of commercial transactions is wrong, because, in order to be successful, they must be left unfettered. In the case of money which represents any other commodity, the evil is far greater than it could be in the case of any other article of traffic.<sup>74</sup> The effect of the usury laws was to drive capital from the country.<sup>75</sup> Mr. Sherwood read a petition<sup>76</sup>, which was presented to the legislature of the State of Massachusetts<sup>77</sup>, asking for a repeal of the Usury Law there, and urging reasons which strongly supported his views of the question.<sup>78</sup> It set forth in strong terms the evils of the usury laws as being inimical to freedom and equal rights as well as destructive to the interests of those they sought to protect. He proceeded to argue, that the law was immoral, as tending to tempt people to its violation. He contended that while the legislature allowed certain societies to borrow money at a higher rate of interest than the legal rate, that it was wrong to deny this right to others.<sup>79</sup> He said, when the government comes down and say (sic) that it cannot get money at six per cent. they are authorized at once to pay eight. (Hear.) Why not allow him or any other man to pay eight per cent. or ten per cent. if he chose, as well as the Government? Would they tell him that the law which prevented him from doing so, would induce the wealthy capitalist on his arrival on our shores, and who could not be supposed to be actuated solely by philanthropic (sic) motives, to stop here when he could get more than six per cent. without incurring any risk by moving into the neighbouring States? Suppose that one or two of the European nations should appoint a fixed price for flour and that another importing country left the price to be determined by the mere market value of the commodity. Where would the man go who had flour to sell? Did they suppose he would go to the country where the price was fixed? Would he not rather take it where it was a free commodity, and where competition among the purchasers had its usual effect. It was exactly the same with money, and when he proposed his Bill last summer to apply to Upper Canada, the hon. member for Quebec said that if it were passed, all their money would be transferred to Upper Canada. Now, it appeared to him that instead of that being an argument against the Bill, it was one of the strongest arguments that could be used in its favor, and showed clearly that the hon. gentleman was well aware of the fact that an influx of capital would take place wherever the obstructive laws were repealed, and consequently that the scarcity of money was caused by the existing laws. He could enter at much greater length into this question, but he felt that he had said enough to explain the principles on which he acted, and he hoped that sooner or later they would be concurred in by a majority of the House.<sup>80</sup> Some persons objected to his bill, because it would interfere with certain contracts already entered into. He thought the argument futile.<sup>81</sup> He then concluded by explaining the difference that existed between his



own Bill and that sent down from the<sup>82</sup> Legislative Council last year; and gave some reasons for dissenting from it.<sup>83</sup> The latter provided, after doing away with all penalties, that when recourse was had to Courts of Law to recover monies lent, the borrower could only recover the principal and interest at six per cent, and could set off against the amount any excessive interest he had paid. That did not appear to him to go far enough, and he therefore proposed by his bill that the lender should recover not only the principal and interest at six per cent, but that any interest paid should be irrevocable and not set off against the principal and legal interest. He looked on that provision as an encouragement to a breach of good faith in monetary transactions.<sup>84</sup> He believed that the provisions of the bill should extend beyond commercial transactions; and that the farmers should have the same advantage as business men. He had, therefore, not restricted his bill to commercial transactions.<sup>85</sup> If upon a full consideration of the measure, the House desired to limit it to the Commercial Classes alone; he would submit, but he must say that such a limitation would materially lessen the benefits that he expected would be derived from the Bill.<sup>86</sup>

MR. CHAUVEAU would not have spoken, but for the allusion made to what he had said on the same subject last session. He did say that if such a measure was introduced for Upper Canada alone, it would have the effect of drawing all the money to Upper Canada. He was still of the same opinion; and he looked upon usury as a crime, which, instead of being permitted, ought to be punished.--The measure introduced involved the principle which would allow you to lend your money as you please, and left you at liberty to grind your fellow creatures down, by causing them to pay for the loan of your money, perhaps ten times its value. He denied that the result of the present law was to prevent the diffusion of money in the country. Various causes operated to produce that effect, and the repeal of the Usury Laws would not in his opinion, increase the capital of the country. What had been urged against the usury laws might be urged against every other law. They may not be effective, but that was no reason why they should be abolished. It was not the result but the principle of the law which should be looked at. In his opinion, the laws had been effective in Lower Canada for there money could be obtained at 6 per cent. very easily; and the very fact that persons had recourse to such transactions as those mentioned by the hon. member for Toronto--actions which ought to be punished as usury--shows that the laws have been effective. It was a common thing now-a-days to talk of reform, and when a man sets his face against what is thought reform, he is called an antiquary and a barbarian.--These epithets he would rather be proud of, for the laws they were wishing to repeal were founded on principles of justice;--they had come from the remotest antiquity, and the universal consent of mankind had made them sacred, so that the man who would take advantage of them would be branded with the most severe punishment.<sup>87</sup> Elles peuvent avoir quelque chose de désagréable et de gênant, mais c'est le sort de toutes les lois.<sup>88</sup> If such had been the feelings of all nations hitherto; it was too much to call those persons who are not the "new lights"--who are not willing to repudiate the principles of humanity--it was too much to call them antiquaries or barbarians. He would therefore, vote against the measure.<sup>89</sup>

MR. WILSON was last year one of those anti-deluvian (sic) persons referred to by the hon. member who had just sat down, but he was free to confess that he had since changed his mind<sup>90</sup> in reference to the subject under discussion, in consequence of the new light having illuminated him a little. He had stated last year, that he was afraid of the effect which would be produced on the landed interests of the country, by the repeal of the law--he was afraid that those persons whose properties were mortgaged would be driven to the very straits, his hon. friend from Quebec had stated. He had no doubt that if the law did pass, it would in some measure, have that effect; but the law would some time or other

pass, and he would give it his support. The hon. member for Quebec had talked of the immorality of such a law. What made it immoral to ask the same for a sum of money, that you would for any other branch of traffic. Was the immorality between asking £10 for the loan of a £100, and asked £120 for goods purchased at £100? If it was immoral to ask 10 per cent. in the one case, it certainly was doubly immoral to ask 20 per cent. in the other. The hon. member had assumed that money was all in the hands of a few rapacious persons, and being so, when a person is in difficulty, he is obliged to go to one of these persons, and be shaved to the utmost point of his caprice. He (Mr. W.) denied that that was the case; money was not in the hands of a dozen or two persons. If it was so, it would be as he assumes, but until it was so, such could not be the case. Money is like every other commodity--with this difference, that it is an exchangeable commodity. A piece of ice in winter was of no assignable value, but in a hot day in summer ... it was a commodity of value. When flour or any thing else marketable is scarce, the price becomes high, but it did not follow that a man was to be charged with immorality because he asked the market price for it. The time was when a sovereign was offered for a pint of water; if any person asked a half-penny for a pint of water, would he be guilty of immorality by asking a penny if the water was scarce? Could any person tell the standard of profit of any business?--it was impossible--no man could assign a limit to it. It depended upon the commodity that was dealt in, and the custom of the trade--and that varied so much that it was scarcely possible to fix what would be a fair and reasonable profit.<sup>91</sup>

Mr. Wilson was here interrupted by some remarks from the honourable member for Norfolk, MR. H. BOULTON.<sup>92</sup>

Having resumed, MR. WILSON said, he was going to say that money was the only commodity which could be exchanged for every other commodity, and that was the difference between it and all others; and it was high time that the antediluvian doctrine should be exploded. Spain and other countries of Europe, thought that if they could amass a great amount of money they would be rich. Was that the case? He believed that for half a century or more, Spain had been the most beggarly country in the world--not for want of money but because she did not apply that money, which she possessed. By the present system they were labouring under the same delusion as Spain. He opposed the Bill last year, because he was afraid of the effects it would have upon the securities of land, and for this reason, that he assumed that no person in Upper Canada with a farm, which was mortgaged for half its value, could with the produce of his farm meet his engagements. He was afraid it would cause many to give up their farms, and they would consequently go into other hands. He was now in favour of the measure, because the present law was constantly evaded--so much so, that persons borrowing pay so much more for the risks they run to evade it. If the Usury Laws were repealed together, he had no doubt they would have as much money as they needed, at its fair rate, 3, 4, 5, or 10 per cent. just as the case might be. If speculation of any kind promised large returns, persons would be inclined to give higher interest, for the use of capital--if otherwise money would fall in value. For these reasons he gave his support to the measure brought forward.<sup>93</sup>

MR. DEWITT pense qu'en Angleterre on peut avoir des lois bonnes pour l'Angleterre, et qui ne feraient nullement dans ce pays.<sup>94</sup> A good deal had been said about the same liberty to lend money as other articles, there was however, a good difference between money and other articles. If beef, pork, flour, and every other thing could be made legal tenders (sic), then the same liberty might be used. But they could not pay their debts with these things<sup>95</sup> but frequently had to sell these at a sacrifice for the purpose of paying them.<sup>96</sup> This difference was every thing<sup>97</sup> in the world<sup>98</sup> and so long as it existed, there should be a



difference in regard to the provisions that may be made for its circulation. It is said that your interest is low and that money will not come here because people can invest it better in other countries. What is the fact? Money goes from this country, to be invested in the state of New York at 5 per cent. when money sent here to Canada, would get 10 per cent. There was some other cause besides the rate of interest which prevented money being invested here. He had known money ((to)) go from here to London to be invested there at 4 per cent, which could have been invested here at 6 per cent. The usury laws, it is said, raise the rate of interest; if that were the case it would have the effect to bring the money here. The reverse was the case, and was it because you were to give people the power to take more they will take less; he would not believe that. On the same principle were you to let the wolf take as many sheep as he pleased, he would take none at all. It had been said that the usury law was violated; but that was not ((the)) only law that was violated, and formed no reason for its being repealed.<sup>99</sup>

MR. HOLMES was surprised at the arguments he had heard advanced this evening. He<sup>100</sup> would support the measure brought in by the hon. member for Toronto, although he wished it had been a more enlarged one. He had listened with pleasure to the arguments with which it had been introduced. He would pay the greatest possible (sic) deference to the views advanced by the hon. member for Quebec, on any question which involved a point of law; but he could not admit that he had advanced a good opinion to sustain his position this evening. His conclusions seemed totally adverse to the facts. He had talked of the immorality of the question; but if it is moral to lend money on interest at all--where is the difference between lending it at 6 per cent, and 9 per cent. The principle of the law was equally infringed. He quite concurred in the expression that these laws had been made for the heathen and not for the present day. What was the difference between lending money, or selling the use of it, to selling any other commodity. The very individuals who speak against lending money, practise it themselves. In no part of the world perhaps is this practised more than in Toronto. He knew of wealthy farmers in Lower Canada who were in the habit of lending seed wheat to their poorer neighbours at the rate of 20, 30 and sometimes 40 per cent profit, payable at the succeeding harvest. This was one mode of compelling the poor man to submit to the tender mercies of the rich. The honorable member for Beauharnois complains that horses and pigs are not legal tender and argues that for this reason we should not have a change in the usury laws. He, no doubt, condemns it on the point of immorality.--That gentleman, no doubt, had seen individuals in straitened circumstances. The poor mechanic had come and said, I have a bill to pay, but I cannot pay it because richer men have not paid me my accounts--what can I do, must I sacrifice my property. Yes, would be the reply, because rather than allow you to go to a man that has money to lend at interest, I will compel you to sell your property at 50 per cent. less than it is worth. One Practice in Lower Canada is, that although they will not lend money on interest, they will lend it on constitut. For example, a person buys a property from some unfortunate man at half its value--say, he pays £500 for what is worth £1000. This person casts it up in perhaps twenty lots, and lets it upon constitut at the value of £3000 or interest upon the sum<sup>101</sup>, yet the people who encouraged this system cried out against usury.<sup>102</sup> He thought, however that the people of the country knew their wants better than they did who lived in the time of Moses, and he would venture to say, that very few persons would say that the people of England did not know what was for their own interests. What had they done in reference to the Usury Laws? Some 20 years ago, the same practice existed there which does here. A bill was brought in to remove all restrictions of the Usury Law; it was, however, negatived. A few years ago, it is true, money was scarce; but because confidence was gone, and no man was willing to put his money beyond his reach.



The law there fixed the rate on all matters except mercantile transactions, at 5 per cent. The Prime Minister of England, however, committed an infraction of the law by permitting the Bank of England to lend money at 8 per cent. if they pleased and the moment they were authorized to lend money at 8 per cent., they were desirous to do so. What was the result 30 days after? It was worth 6 per cent., and in 30 days more it was at 4 per cent. The hon. member then contrasted that state of things with the various shifts which were resorted to here to obtain money<sup>103</sup>. In New York the bank rate of interest was not generally more than 7 per cent. It frequently happened that when a merchant had his warehouse full of flour, &c., and had a bill to pay, that he was obliged to resort to a round-about road for the purpose of obtaining money. He had either to go to the shaver, or, as it frequently happened, that he would go to the banks and buy a bill of exchange at 10 or 11 per cent, and then sell it to his neighbour at 3 or 4 per cent discount. He (Mr. H.) had known many of such transactions. These laws were equally injurious to the poor trader, and a disgrace to the statute book<sup>104</sup> and concluded by saying, that the Usury Laws ought to be entirely erased from the statute book, to which they were not only a disgrace, but a monument of the ignorance of our forefathers.<sup>105</sup>

MR. W. BOULTON (Toronto) had much pleasure in seconding the measure brought forward. This was an age, he thought, in which people looked more to practical results than to theories; and although nothing could be prettier, perhaps in theory, than the usury laws, the practical results were bad. In the States where one would think every facility would be afforded for securing money, it was at all rates from 10 per cent, to 12 per cent; various methods of borrowing money had been resorted to. As an instance, he knew a party that was struggling to maintain himself by carrying on a small establishment, and being very anxious to procure a loan of money, borrowed 100 dollars, and agreed to pay for interest 10 dollars a month. the consequence was, that at the end of the year he had paid 120 dollars, and was still in debt 100 dollars--the sum he had borrowed. He (Mr. B.) represented to that party the foolishness of such a proceeding and offered him the loan of 100 dollars at 6 per cent, which he willingly accepted. Mr. B. then went into some details to show how the usury laws affected the lender of money, as well as the borrower, and concluded by saying, that in the country there was a system of borrowing and lending money at enormous rates of interest beyond what any person not initiated into such transactions, could have any idea of. Yet usury laws existed. If they prevented such a course of procedure they would be of benefit, but they did not, and therefore he would with pleasure second the resolution that they be repealed.<sup>106</sup>

MR. CAUCHON rose to oppose the measure. Hon. members should take into consideration the position of the country, and its circumstances. It was because of the position of the country that he would vote against that measure, although in principle he was for it. The hon. member for London had spoken of ante-diluvian laws--he (Mr. C.) would be for anti-creation laws if the country was not in the state in which it was.--The hon. member had spoken of ((the)) Spanish, and said that they were beggarly because they did not manage their money properly. That was not the fact. Spain was ruined, as the United States and every other country would be ruined, if they made the source of the wealth of the country the only property of the country. Every source of industry was abandoned that they might look for money, which they thought the only source of wealth. It had been said that if you establish a Registry Office, you would bring money to the country, that it was because the foreign capitalist did not know whether there might be a mortgage on our property, that he kept away. It would be said next, abolish the line 45, and money will come to this part of the country. It was because there was nothing settled in this part of the country--the Legislature makes a law to-

day and destroys it to-morrow, and this unsettled state prevents money from coming into the country. The capitalist was not sure, but the conditions upon which he lends his money may be changed to-morrow, and therefore he will not lend it. Mr. C. contended that it was not because of the existence of such laws that money did not come to the country, and that the abolition of these laws would not have the desired effect. But let them convince the capitalists that their interests will be well paid, and they would soon bring their money. The want of confidence produced the effects which had been attributed to the existence of these laws. It was a fact, and well known to many, that if the rate of interest were to be unlimited in Lower Canada, three-fourths of the population of Lower Canada, would be ruined. They must take into account the condition of the country, they must obey the wishes of their constituents--they must bow to their decision, if they were not prepared to do as much as that he would beseech them not to ruin them.<sup>107</sup>

MR. NOTMAN was strongly in favor of the bill but he feared that it would not be carried. Last year there was a large majority of Upper Canadian members in favor (sic) of the bill, while those from Lower Canada, with little exception, went dead against it. He feared the same result now<sup>108</sup> and hoped that as the laws were virtually abolished by the Upper Canadian people, the members for Lower Canada would not prevent them carrying it into effect.<sup>109</sup>

MR. INSP. GEN. HINCKS also feared that the bill would be lost; but he was gratified to<sup>110</sup> ((have)) heard the hon. member for the Town of London, who had declared himself a convert. The hon. member who followed him had done the same, and several other gentlemen who were opposed to the measure before, were prepared to vote for it now. There had been a manifestation of public opinion in their favor such as they had not had on any previous occasion. Public opinion was so strong in favor of the measure that it must ultimately prevail. He did hope that hon. gentlemen who had objections to the principle of the measure, would allow the bill to be read a second time and take the opportunity to suggest some scheme, that would meet the views of the parties who were so desirous to be allowed to manage their own affairs. He did not intend to go into any discussion on the principle of the measure, because the member for Toronto in his opening speech had shown so clearly the fallacy of the argument--indeed he could scarcely call them arguments--which had been advanced by the other side on the question. He could not understand the hon. member for Quebec as to what he called usury. What was usury?--was it 6, 7, or 8 per cent?--when is it moral and where is the exact rate at which it becomes immoral? In Upper Canada there existed a strong feeling for the repeal of the usury law. This arose from a great demand for money, and this demand for money was a sign of the prosperity of the country. It is always thought in England--where there is free trade in money--a sign of the prosperity of the country when there is a high rate of interest on money. A good deal had been said about wolves and sheep by the hon. member from Beauharnois and others. He did not want to compel any portion of the community to borrow money at a high rate of interest; but he wanted to allow people to borrow money at any rate they choose. It was a monstrous thing that they would not allow a person to borrow money at 8 per cent, if he required it, because they were told that farmers could not borrow money at a higher rate of interest than 6 per cent. One man could make money by borrowing at 8 per cent to meet his engagements, while another would lose money by borrowing at 4 per cent. The fact was staring them in the face--that the wealth of the country was rapidly increasing, for there would not be such a demand for money if this were not the case. They were asked why the money did not come to the country. They knew perfectly well that the securities of the neighbouring States have been generally speaking 6 per cent. There is not a demand for American securities in England at more than 6 per cent; if, then, they are not worth more than 6 per cent, in England, how could any man be ex-



pected to lend money in this country for 6 per cent. The hon. gentleman then proceeded to show the pecuniary advantages of employing wealth on land to those of any other kind of traffic, and concluded by complimenting the hon. member for Toronto for the very considerable interest he had taken in bringing forward the question.<sup>111</sup>

MR. ROBINSON briefly reviewed the various statements which had been made by the hon. gentleman who had preceded him<sup>112</sup> ((and)) spoke against the bill.<sup>113</sup>

(98)

*Mr. Cauchon moved in amendment to the Question, seconded by Mr. DeWitt, That the word "now" be left out, and the words "this day six months" added at the end thereof;*

MR. SHERWOOD rose amidst cries of "Question, question," and proceeded to close the debate by showing that the same subject, when introduced into the House of Commons in 1816, by Mr. Sergeant Onslow, had met with determined opposition, but finally triumphed.<sup>114</sup> He very strongly condemned Mr. Chauveau. He did not expect to have heard it argued in 1850 that it was immoral to take interest for money. He ridiculed the idea, and then showed with force and at some length that it had no existence either in law, in morals, or in Scripture.<sup>115</sup> He had no doubt that the measure under consideration would eventually pass.<sup>116</sup>

MR. ROBINSON conceived that this law would not cause any great influx of capital, if there were not sufficient inducements under existing circumstances. If it did pass into a law, and Banks were excluded from its operations, it would be a great injustice to the stockholders.<sup>117</sup>

MR. CHAUVEAU denied that he had ever said that lending money was immoral. He never dreamt of such a thing, but he did say that no law would sustain the man who took advantage of the necessities of his neighbours to exact exorbitant interest. He had been laughed at as an ante-diluvian, for opposing this Bill, it was some consolation to him that if he were, one half of the annexationists in the House were on his side.--(Laughter)<sup>118</sup>.

COL. GUGY spoke against the bill, contending that there was no analogy between England and Canada as regarded money. They might as well talk about water finding a level on the deserts of Arabia as money finding a level in Canada.<sup>119</sup> ((He)) said that no petitions had been presented to the House praying for a repeal of the existing laws. Through petitions the House obtained a knowledge of the wishes of the people, and as they had not petitioned on this subject, it appeared to him that there was negative evidence that they did not desire any change. He paid no attention to the assertions of hon. members that their constituents demand it, as these assertions were founded on no data, and frequently proceeded from the heated imaginations of those that made them. In his own part of the country there were two parties; the money lenders, who were in favour of the Bill, and the rest of the population who were opposed to it. He had therefore no hesitation in opposing the Bill, for although he might be stigmatised as an ante-diluvian, he was convinced that the present laws could not be repealed with safety so long as competition was among the borrowers and not the lenders of money<sup>120</sup> and the borrowers required protection.<sup>121</sup> It was necessary to have some curb, some check on the avidity of men. The argument used in favour of the Bill was, that those restrictions were unfavourable to commercial interests. Well, he did not pretend to measure himself with the Inspector General on this part of the question, but he was of opinion that a rule which worked well in countries where there was a fluctuation of money could not apply here, as it would become a trap for the needy. One thing was quite certain, that no man could gain anything by borrowing at a high rate of interest, and that such a system would be the utter ruin of the



agricultural class.<sup>122</sup>

MR. G. SHERWOOD hoped that the amendment of the hon. member for Montmorenci would be withdrawn, as it did not bring the question fairly before the House.<sup>123</sup>

MR. ROSS did not wish to see this question, which was of very great importance, got rid of by the parliamentary dodge of the hon. member for Montmorenci. The motion was altogether inconsistent with the hon. gentleman's declaration that he was in favor of the principle of the bill.<sup>124</sup>

MR. CAUCHON denied that he said he was in favor of the principle of the bill. He had said that he would vote for the bill if it would not ruin three fourths of his countrymen.<sup>125</sup>

MR. ROSS.--Well, the hon. gentleman said that the principle of the bill was immoral. No doubt he could lay his hand on the exact chapter and verse of scripture which forbade a man to take more than six per cent.<sup>126</sup>

MR. CAUCHON corrected the hon. gentleman again. He did not say that the principle was immoral, but that it would be immoral to allow a man to take advantage of the necessities of others in order to obtain a higher rate of interest than his money was worth.<sup>127</sup>

MR. ROSS continued--He could not see why any restrictions should be placed on the value of money which was not a necessary of life, when the restriction on other articles of commerce, such as flour, had been removed, because they were found to be impediments to commercial enterprise. If it were a new principle they were advocating, he could understand why there should be doubt and hesitation, but he could not understand why they should reject a principle which had been tried elsewhere, and found to work well. Every man was the best judge of his own circumstances, and of his ability to pay for the accommodation he required.<sup>128</sup>

MR. CAYLEY said that his own observations had led him to conclude, that the restriction of the money market, when a great competition amongst borrowers existed, increased the price. On the other hand, when the money market was open, and there was a competition among venders, the price was reduced. Now, the legal rate of interest was 5 per cent., but in consequence of the competition the price seldom exceeds  $2\frac{1}{2}$  per cent, except when the market is disturbed. An instance of that disturbance occurred recently when he was in England, when money was worth from 12 to 14 per cent. The power of procuring money at that rate was then considered the safety valve of England, and no person would have thanked the Legislature for preventing him from borrowing at that rate. He would say--"you put me under the necessity of stopping payment, of injuring my creditors, and of putting an end to my efforts to get a competency for myself and my family." That showed the real effect of these restrictive laws, and while argument on argument could be used to show their prejudicial effect on the interests of the public at large, it would be impossible to show that their repeal could be attended with any real danger.<sup>129</sup>

MR. HOPKINS would oppose the bill, because he had seen a great many men, ruined by borrowing money at high rates of interest.<sup>130</sup>

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*And the Question being put on the Amendment; the House divided: and the names being called for, they were taken down, as follow:--*

YEAS.

*Messieurs Armstrong, Cauchon, Chabot, Chauveau, Crysler, Davignon, DeWitt, Solicitor General Drummond, Duchesnay, Dumas, Fortier, Fournier, Fourquin, Gagy, Guillet, Hopkins, Lacoste, LaTerrière, Laurin, Lemieux, Solicitor General*

Macdonald, Marquis, McConnell, Méthot, Papineau, Polette, Robinson, Scott of TWO MOUNTAINS, Seymour, Smith of FRONTENAC, Stevenson, Taché, and Viger.--(33.)

NAYS.

Messieurs Bell, Boulton of NORFOLK, Boulton of TORONTO, Burritt, Cameron of KENT, Cayley, Dickson, Fergusson, Hall, Hincks, Holmes, Johnson, Lyon, Malloch, McFarland, Meyers, Morrison, Notman, Prince, Ross, Sanborn, Sherwood of BROCKVILLE, Sherwood of TORONTO, Smith of DURHAM, Thompson, and Wilson.--(26.)

So it was resolved in the Affirmative.

Then the main Question, so amended, being put;

Ordered, That the Bill be read a second time, this day six months.

Toronto Har-  
bour Dues.

The Honorable Mr. Hincks, one of Her Majesty's Executive Council, presented, pursuant to an Address to His Excellency the Governor General,--Return to an Address from the Legislative Assembly to His Excellency the Governor General, dated the twenty-ninth ultimo, praying His Excellency to cause to be laid before the House, a Return of the amount collected for Harbour Dues at the Port of Toronto, for the year one thousand eight hundred and forty-nine; and also, a detailed Statement shewing the balance, if any, still due to the Government on account of sums advanced upon the authority of certain Acts of Parliament of Upper Canada, for constructing and repairing the Queen's Wharf, at the entrance of the said Harbour.

Appendix (S.)

For the said Return, see Appendix (S.)

Orders  
deferred.

Ordered, That the remaining Orders of the day be postponed until to-morrow.

Then, on motion of Mr. Fortier, seconded by Mr. McConnell,  
The House adjourned.

APPENDIX: 26 JUNE 1850.

((CONVERSATION RE: PUBLISHING REPORTS OF RETRENCHMENT COMMITTEE.))<sup>131</sup>

SIR A. MACNAB suggested that as the proceedings of the Committee on Retrenchment were regarded with great interest by the country, it would be advisable to have its proceedings published daily for the use of members<sup>132</sup> in order that they might obtain information to guide them in the questions which would come before the House, from the Committee. It was a common practice in England to take this course; he hoped that it would not be necessary to make a motion on the subject, but that the Committee would take the hint he had given.<sup>133</sup>

MR. AT. GEN. LAFONTAINE said he did not think that the members of the Committee would have any objection<sup>134</sup> whatever to a report being published<sup>135</sup> if it would be of advantage to public interests.<sup>136</sup>

MR. COM. PUB. WORKS MERRITT said that if it was the custom in ... England he did not think it would do here. Proposals were made one day and withdrawn the next; the subjects were brought before the Committee in too crude a state to make them fit for publication.<sup>137</sup>

Nothing was determined upon.<sup>138</sup> The subject was then dropped.<sup>139</sup>



FOOTNOTES: 26 JUNE 1850.

1. The following papers reported the debate on this matter in identical accounts: NORTH AMERICAN, 28 June 1850, and EXAMINER, 3 July 1850. The debate was also reported by: MONTREAL GAZETTE, 1 July 1850; and LA MINERVE, 4 July 1850.
2. MONTREAL GAZETTE, 1 July 1850.
3. LA MINERVE, 4 July 1850.
4. MONTREAL GAZETTE, 1 July 1850.
5. LA MINERVE, 4 July 1850.
6. MONTREAL GAZETTE, 1 July 1850.
7. LA MINERVE, 4 July 1850.
8. MONTREAL GAZETTE, 1 July 1850.
9. LA MINERVE, 4 July 1850.
10. MONTREAL GAZETTE, 1 July 1850.
11. LA MINERVE, 4 July 1850.
12. NORTH AMERICAN, 28 June 1850.
13. MONTREAL GAZETTE, 1 July 1850.
14. IBID.
15. LA MINERVE, 4 July 1850.
16. MONTREAL GAZETTE, 1 July 1850.
17. LA MINERVE, 4 July 1850.
18. MONTREAL GAZETTE, 1 July 1850.
19. LA MINERVE, 4 July 1850.
20. MONTREAL GAZETTE, 1 July 1850.
21. LA MINERVE, 4 July 1850.
22. MONTREAL GAZETTE, 1 July 1850.
23. LA MINERVE, 4 July 1850.
24. MONTREAL GAZETTE, 1 July 1850.
25. IBID.
26. LA MINERVE, 4 July 1850.
27. MONTREAL GAZETTE, 1 July 1850.
28. LA MINERVE, 4 July 1850.
29. MONTREAL GAZETTE, 1 July 1850.
30. LA MINERVE, 4 July 1850.
31. MONTREAL GAZETTE, 1 July 1850. Ellipses represent illegible words.
32. IBID.
33. LA MINERVE, 4 July 1850.
34. MONTREAL GAZETTE, 1 July 1850.
35. LA MINERVE, 4 July 1850.
36. MONTREAL GAZETTE, 1 July 1850.
37. NORTH AMERICAN, 28 June 1850.
38. MONTREAL GAZETTE, 1 July 1850.
39. IBID.
40. IBID.
41. The following papers reported the debate on this matter in identical accounts: NORTH AMERICAN, 28 June 1850, EXAMINER, 3 July 1850, and BATHURST COURIER, 5 July 1850. The following papers reported the debate in partially identical accounts: GLOBE, 29 June 1850, PILOT, 2 July 1850, HAMILTON SPECTATOR, 3 July 1850, and PACKET, 6 July 1850. The debate was also reported by: MONTREAL GAZETTE, 1 July 1850; and LA MINERVE, 4 July 1850.
42. NORTH AMERICAN, 28 June 1850.
43. MONTREAL GAZETTE, 1 July 1850.
44. HAMILTON SPECTATOR, 3 July 1850.
45. MONTREAL GAZETTE, 1 July 1850.
46. HAMILTON SPECTATOR, 3 July 1850.
47. NORTH AMERICAN, 28 June 1850.

48. HAMILTON SPECTATOR, 3 July 1850.
49. NORTH AMERICAN, 28 June 1850.
50. MONTREAL GAZETTE, 1 July 1850.
51. HAMILTON SPECTATOR, 3 July 1850.
52. LA MINERVE, 4 July 1850.
53. HAMILTON SPECTATOR, 3 July 1850.
54. MONTREAL GAZETTE, 1 July 1850.
55. LA MINERVE, 4 July 1850.
56. HAMILTON SPECTATOR, 3 July 1850.
57. LA MINERVE, 4 July 1850.
58. MONTREAL GAZETTE, 1 July 1850.
59. HAMILTON SPECTATOR, 3 July 1850.
60. MONTREAL GAZETTE, 1 July 1850.
61. HAMILTON SPECTATOR, 3 July 1850.
62. IBID.
63. MONTREAL GAZETTE, 1 July 1850.
64. HAMILTON SPECTATOR, 3 July 1850.
65. NORTH AMERICAN, 28 June 1850.
66. HAMILTON SPECTATOR, 3 July 1850.
67. The following papers reported the debate on this matter in identical accounts: PILOT, 2 July 1850, and PACKET, 6 July 1850. The following papers reported the debate in partially identical accounts: NORTH AMERICAN, 2 July 1850, GLOBE, 29 June 1850, HAMILTON SPECTATOR, 3 July 1850, KENT ADVERTISER, 4 July 1850, PILOT, 4 July 1850, and ST. CATHARINES JOURNAL, 4 July 1850. The debate was also reported by: MONTREAL GAZETTE, 1 July 1850; and LA MINERVE, 4 July 1850.
68. NORTH AMERICAN, 2 July 1850.
69. MONTREAL GAZETTE, 1 July 1850.
70. NORTH AMERICAN, 2 July 1850.
71. MONTREAL GAZETTE, 1 July 1850.
72. NORTH AMERICAN, 2 July 1850.
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80. NORTH AMERICAN, 2 July 1850.
81. MONTREAL GAZETTE, 1 July 1850.
82. NORTH AMERICAN, 2 July 1850.
83. MONTREAL GAZETTE, 1 July 1850.
84. NORTH AMERICAN, 2 July 1850.
85. MONTREAL GAZETTE, 1 July 1850.
86. NORTH AMERICAN, 2 July 1850.
87. IBID.
88. LA MINERVE, 4 July 1850.
89. NORTH AMERICAN, 2 July 1850.
90. MONTREAL GAZETTE, 1 July 1850.
91. NORTH AMERICAN, 2 July 1850.
92. IBID.
93. IBID.
94. LA MINERVE, 4 July 1850.
95. NORTH AMERICAN, 2 July 1850.
96. MONTREAL GAZETTE, 1 July 1850.

97. NORTH AMERICAN, 2 July 1850.
98. MONTREAL GAZETTE, 1 July 1850.
99. NORTH AMERICAN, 2 July 1850.
100. MONTREAL GAZETTE, 1 July 1850.
101. NORTH AMERICAN, 2 July 1850.
102. MONTREAL GAZETTE, 1 July 1850.
103. NORTH AMERICAN, 2 July 1850.
104. MONTREAL GAZETTE, 1 July 1850.
105. NORTH AMERICAN, 2 July 1850.
106. IBID.
107. IBID.
108. MONTREAL GAZETTE, 1 July 1850.
109. NORTH AMERICAN, 2 July 1850.
110. MONTREAL GAZETTE, 1 July 1850.
111. NORTH AMERICAN, 2 July 1850.
112. IBID.
113. MONTREAL GAZETTE, 1 July 1850.
114. NORTH AMERICAN, 2 July 1850.
115. MONTREAL GAZETTE, 1 July 1850.
116. NORTH AMERICAN, 2 July 1850.
117. IBID.
118. IBID.
119. MONTREAL GAZETTE, 1 July 1850.
120. NORTH AMERICAN, 2 July 1850.
121. MONTREAL GAZETTE, 1 July 1850.
122. NORTH AMERICAN, 2 July 1850.
123. IBID.
124. IBID.
125. IBID.
126. IBID.
127. IBID.
128. IBID.
129. IBID.
130. IBID.
131. The following was reported by: MONTREAL GAZETTE, 27 June 1850, 1 July 1850;  
BATHURST COURIER, 5 July 1850; and GLOBE, 29 June 1850.
132. MONTREAL GAZETTE, 1 July 1850.
133. BATHURST COURIER, 5 July 1850.
134. IBID.
135. MONTREAL GAZETTE, 1 July 1850.
136. BATHURST COURIER, 5 July 1850.
137. IBID.
138. MONTREAL GAZETTE, 1 July 1850.
139. IBID., 27 June 1850.



THURSDAY, 27 JUNE 1850.

(98)

Petitions  
brought up.

THE following Petitions were severally brought up, and laid on the table:--

By Mr. Wilson,--The Petition of Abraham Welch and others, of the Township and vicinity of Westminster; the Petition of John Thomas and others, of the Town of London; the Petition of Reuben Smith and others, of the Township of Norwich and vicinity; the Petition of Henry R. Archer and others, of the County of Middlesex and certain Townships formerly belonging to the Western District; and the Petition of Matthew Colovin and others, of the Town of London.

By the Honorable Mr. Robinson,--The Petition of James Robertson and others, of St. Vincent, Collingwood, and other Townships.

By Mr. Fergusson,--The Petition of John Meyers and others, Councillors of the Township of Woolwich; the Petition of the Municipality of the united Township of Garafraxa, Amaranth, and Malancthon; the Petition of the Municipality of the Township of Erin; the Petition of Peter Lenfesty and others, of the Township of Derby, County of Waterloo; and the Petition of the Municipality of the Township of Well-lesley.

By Mr. Holmes,--The Petition of the Reverend W.T. Leach, D.C.L., and others, the Minister, Church Wardens, and Congregation of St. George's Chapel, Montreal.

Petitions read.

Pursuant to the Order of the day, the following Petitions were read:--

Of J. B. Beaulieu, Esquire, and others, of the Township of Whitworth, County of Rimouski; praying aid to construct a Bridge over the River Verte, in the said Township.

Of Captain Edward Boxer, C.B., and others, shipbuilders and merchants of Quebec; praying that the Bill to repeal the Act regulating the shipping of Seamen may not pass into Law.

Of the Reverend J.F. Gagnon and others, of the Parish of Ste. Geneviève de Berthier, County of Berthier; and of the Reverend G.S. Marceau and others, of the Parish of St. Simon, County of Rimouski; praying that measures be adopted for the suppression of intemperance.

Of G.F. Bowen and others, Trustees of the Sherbrooke Academy; praying the usual aid in support of the said Academy.

Of J.W. Parent and others, of the Parish of St. Zotique, County of Vaudreuil; praying that the site of the County Town of the said County may be removed to a more central position than where it is now situated.

Of the Mayor and Town Council of the Town of Cobourg; praying that measures be adopted to prevent the desecration of the Sabbath.

Of William Millar and others, of Upper Canada; praying for the passing of an Act to restore to the people of Upper Canada the advantages of Medical Toleration.

Ordered, That the Petition of the Mayor, Aldermen and Citizens of the City of Montreal be now read; and the Rules of this House suspended as regards the same.

And the said Petition was read; praying for amendments to and the consolidation of the Acts relating to the incorporation of the said City.

COL. GUGY moved that the Petition of F.C. Capreol, for compensation for expenses incurred in the arrest of the murderers of Mr. Kinnear be referred to a special committee, to consist of Mr. Solicitor General McDonald, Sir Allan MacNab, Messrs. Morrison, Price, and the mover. He said that he had been informed, since he brought the subject before the House on a former occasion, that some of the statements then made by the senior member of Toronto (Mr. Sherwood) who, he regretted, was not now in his place, which had caused the refusal of the committee

were in great part not the case. He (Mr. S.) had said that Mr. Capreol was the agent of Mr. Kinnear's friends and had been compensated by them, and this Mr. Capreol denied. He, Mr. S., had also said that the cost of hiring the steamboat was only £12 10s., while he had been since informed by that member himself, that his memory had deceived him in the matter. The High Bailiff he was told had not been directed by Mr. S. as Mayor, to accompany the expedition, as he (Mr. S.) had stated on the occasion.<sup>1</sup>

After some conversation, quite inaudible in the gallery, the motion was passed.<sup>2</sup>

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Petition of  
F.C. Capreol;

*Resolved, That that part of the Petition of F.C. Capreol, of the City of Toronto, Esquire, which prays for an investigation into the pursuit by him made of certain Fugitives from Justice in the year 1843, be referred to a Select Committee, composed of Mr. Gagy, Mr. Solicitor General Macdonald, the Honorable Mr. Sherwood, Mr. Morrison and Mr. Prince, to examine the same, and to report thereon with all convenient speed; with power to send for persons, papers, and records.*

Of the Prov:  
Mun: Coun:  
of Haldimand  
referred.

*Ordered, That the Petition of the Provisional Municipal Council of the County of Haldimand, be referred to the Standing Committee on Railroads and Telegraph Lines.*

Mission to  
England of the  
late R. Randal.

*Mr. Thompson moved, seconded by Mr. Bell, and the Question being put, That a Select Committee, composed of the Honorable Mr. Merritt, the Honorable Mr. Hincks, Mr. Richards,*

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*Mr. Seymour, and the mover, be appointed to enquire into the circumstances connected with the mission to England, in the year 1827, of the late Robert Randal, Esquire, on matters of public interest for the People of the late Province of Upper Canada, and into the proceedings had on the same subject, as well in the Legislature of the said late Province, as in this House, and to report the same to this House, with their own opinions and observations; with power to send for persons, papers, and records;*

MR. COM. CR. LANDS PRICE said the motion involved the expenditure of money, if the committee should recommend the payment of the claim which the government had had under consideration<sup>3</sup>. ((It)) should be made through the administration, whose duty it was to examine and bring it before the house, if it was thought proper to allow it.<sup>4</sup> They had not as yet decided what they ought to recommend as payment.<sup>5</sup>

MR. THOMPSON said that the claim had been before the Government some time, and when they were not prepared to act upon it, he thought it was his duty to bring it before the house.<sup>6</sup> ((He)) read from the Union Act to show that the question involved no contravention of the government.<sup>7</sup>

MR. INSP. GEN. HINCKS said that the house could as easily understand the facts of this claim by a short statement as by the labours of a committee, and there was in addition a report of a committee of the Upper Canada House in 1836, which gave all the facts. In the year 1828 Mr. Robert Randall, at the request of many individuals, went home, in order to prevent a particular bill of the Canadian Parliament, in which these parties were particularly interested receiving the Royal assent. In that he succeeded.--He went not on the authority of Parliament, but on that of private individuals, who however did not pay his expenses, and he applied to Parliament to be reimbursed. It was true that the Lower House of Upper



Canada had recognised his claim on several occasions, and if he (Mr. H.) had been a member then, he would have done so too; but the bills were always thrown out by the Upper House. Now the question was, whether all the claims of a similar kind (and they were numerous) were to be recognised, so long after the services had been rendered; the Government had not yet come to a decision upon it.<sup>8</sup>

MR. THOMPSON said, if time was wanted, he had no objection to postpone his motion by a week.<sup>9</sup>

MR. AT. GEN. BALDWIN said, that as his hon. friend has remarked, this was only one of a class of cases which it was very difficult to adjudicate upon till they had a view of the whole. It was certainly not a legal claim, or it would have been paid long ago.<sup>10</sup>

MR. INSP. GEN. HINCKS said, that it would be impossible to examine all the claims within a week.<sup>11</sup>

MR. THOMPSON called for a division<sup>12</sup>.

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The House divided: and the names being called for, they were taken down, as follow:--

YEAS.

Messieurs Bouthillier, Burritt, Fournier, Hopkins, Lyon, Malloch, McFarland, Taché, and Thompson.--(9.)

NAYS.

Messieurs Badgley, Boulton of TORONTO, Cameron of CORNWALL, Cartier, Cayley, Chabot, Christie, Davignon, DeWitt, Dickson, Solicitor General Drummond, Duchesnay, Dumas, Fergusson, Fortier, Fourquin, Gugy, Guillet, Hall, Hincks, Holmes, La-Terrière, Laurin, Lemieux, Sir Allan N. MacNab, McConnell, McLean, Méthot, Meyers, Mongenais, Morrison, Notman, Papineau, Polette, Price, Prince, Richards, Robinson, Sanborn, Scott of TWO MOUNTAINS, Sherwood of BROCKVILLE, Sherwood of TORONTO, Stevenson, Viger, Watts, and Wilson.--(46.)

So it passed in the Negative.

Petition of S. Solmes and others referred.

Ordered, That the Petition of Samuel Solmes and others, of the first concession of the Township of Sophiasburgh, be referred to the Standing Committee on Standing Orders.

Message from the Council.

A Message from the Legislative Council, by John Fennings Taylor, Esquire, one of the Masters in Chancery:--  
Mr. Speaker,

Foreign Merchants Vessels Bill.

The Legislative Council have passed the Bill, intituled, "An Act to extend certain Provincial Acts to Foreign Merchant Vessels when within this Province," with several Amendments; to which they desire the concurrence of this House: And also,

Bill relating to certain Promises and Engagements.

The Legislative Council have passed the Bill, intituled, "An Act for rendering a written memorandum necessary to the validity of certain promises and engagements," with several Amendments; to which they desire the concurrence of this House.

And then he withdrew.

The Homestead Seizure Preventive Bill.

Ordered, That the Honorable Mr. Cameron of Kent have leave to bring in a Bill to prevent the seizure and sale of the Homestead in satisfaction of debt, in certain cases and upon certain conditions.

He accordingly presented the said Bill to the House,<sup>13</sup>



MR. M. CAMERON (Kent) introduced a Bill to protect the property of widows and orphans from judgment creditors, and to protect the homesteads of insolvent families. The hon. member said, that this was a new bill, involving a new principle in this country, though not a new experiment, nor one not well understood. It had already become the law of some of the States of the American Union; it has been discussed for some years past by various portions of the public press. The principle of the bill is to protect the homesteads of families. It is at variance with the laws which have affected Canada for centuries; but it is more consistent with christianity, with philanthropy, and benevolence, than those laws have been, and undoubtedly more likely to promote the welfare and sustain the interests of the commercial classes of society, than the laws do which permit the breaking up of families, scattering them abroad upon the world, and exposing them to ruin and consequent degradation. Such proceedings retaliate upon the communities under whose laws these hardships and recurrences are perpetrated, and it was better that one person should suffer than that the harmony of a family should be broken up. The intention of Providence in placing mankind in families was evident; it was one of the greatest blessings bestowed by the Creator; for it is at the family altar that every virtue is incalculated, and there those principles are instilled which make government easy. That country is the most easily governed where each individual owns a home, and it is better each should have a home in times like these, while such theories as universal suffrage, and other matters of that kind are so widely advocated. He would move that it not be read again till Monday week. He had no doubt it would meet opposition from the fact of its novelty; but all that he desired was, that it would have a fair and full examination, and although it might not meet with the support of many in the House, it would not be long before the public was convinced that it was for the interests of all classes in the community that such a bill should be adopted.<sup>14</sup>

MR. WILSON wished to know if the hon. member was prepared for a case such as, suppose there is one homestead between a debtor and a creditor, who was to have it.<sup>15</sup>

MR. M. CAMERON replied, that it would depend very much upon the value of it. If it was worth £1000, the creditor would get £250, which was as much as he would be entitled to.<sup>16</sup>

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*and the same was received and read for the first time; and ordered to be read a second time, on Wednesday, the tenth of July next.*

MR. M. CAMERON<sup>17</sup> (Kent) moved for leave to bring in a bill to exempt a certain amount of goods, and chattels of certain kinds from seizure under execution in civil cases. He said he had no doubt it would be generally received by the House. There exists a law at present making certain exemptions, but it is found very unsatisfactory, and he fully believed that all the merchants in the House, and all the lawyers, would say that it required a certain extension.<sup>18</sup>

After a few remarks the bill was admitted<sup>19</sup>.

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Goods and  
Chattels ex-  
emption from  
Seizure Bill.

Ordered, That the Honorable Mr. Cameron of Kent have leave  
to bring in a Bill to exempt a certain amount of goods  
and chattels of certain kinds from seizure under execu-  
tion in civil cases.

*He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time, on Monday, the eighth of July next.*

DR. BOUTHILLIER<sup>20</sup> introduced the motion, of which he had given notice<sup>21</sup> qu'un

comité soit nommé pour s'enquérir des frais et honoraires que coutent l'administration de la justice, dans les causes civiles, dans le Bas-Canada. Il dit que dans un temps où on ne parle que d'économie et de retranchements, il espère que sa motion sera agréée par la chambre. Quant aux messieurs du barreau que cette motion intéressait, il leur dirait, s'il était nécessaire de la justifier, que ses constituants l'avaient prié de la faire; qu'on s'était adressé à lui par le moyen des papiers publics. Une affaire survenue dans la paroisse de St. Pie, qui est dans son comté, avait excité un peu de sensation. Un individu poursuivi pour une somme de £36, avait perdu sa propriété, parce que les frais de poursuite étaient exorbitants. Dans cette cause, les frais du shérif s'étaient élevés à £16, ceux de l'avocat du demandeur à £15, et pour le jugement de distribution il avait été alloué £14. M. B. n'entendait jeter un blâme personnel sur qui que ce soit; ces sommes avaient été allouées par la cour, conséquemment les individus auxquels elles avaient été accordées pouvaient les recevoir, mais ces frais étaient énormes. Dans un moment où en vertu du dernier bill de judicature, les juges étaient sur le point de faire un nouveau tarif, il importait qu'ils sussent que le peuple trouvait que le tarif actuel était beaucoup trop onéreux.<sup>22</sup>

MR. DUMAS ne voit pas la nécessité de cette mesure, vû que les juges du Bas-Canada ont le pouvoir de faire un nouveau tarif. Cette enquête devra coûter beaucoup d'argent au pays et très probablement avant qu'elle soit complétée le nouveau tarif aura été promulgué.<sup>23</sup> He thought that it would be a useless expense.<sup>24</sup>

MR. SOL. GEN. DRUMMOND objected on the same ground.<sup>25</sup> ((Il)) dit que si l'objet qu'avait en vue l'hon. membre était une enquête sur les frais de l'administration de la justice dans tous ses départements, c'était une matière de bien grande importance et qui ne pouvait être effectuée qu'avec bien du temps et une grande dépense pour le pays. Il priait l'hon. membre de ne pas procéder présentement parce que le nouveau tarif était déjà fait. C'était son intention (à lui, M. D.) au commencement de la session<sup>26</sup> if the session had not been short,<sup>27</sup> de proposer qu'un comité dût nommé pour s'enquérir des frais de l'administration de la justice dans tout le Canada et ce dans l'intention que l'administration de la justice se payât par elle-même. Quelques membres rient du projet, mais il le croyait très praticable<sup>28</sup>, especially in the country parts.<sup>29</sup> Cette enquête comporterait beaucoup de connaissances statistiques qu'on ne pourrait compléter que dans plusieurs mois, mais le fait que chacun s'attendait que cette session serait courte, il en était venu à la conclusion de ne la faire que dans la session prochaine, temps auquel il aurait donné au sujet plus d'attention.<sup>30</sup>

COL. GUGY spoke in favor of the motion.<sup>31</sup> ((He)) felt disposed to say a few words relative to the profession to which he had the honor to belong. In the case referred to by the member who made the motion before the house, the fees of the Attorney would be perhaps £7 10s, all the rest belonged to the officers of the court, men who performed no labor, have no responsibility, and require no education of any kind. He said he was acquainted with a case of hardship, which he would mention to the house; where a Justice of the Peace convicted a man for selling liquor without licence. For so doing, the delinquent brought him before the court of Quarter Session, and eventually sued him in the Supreme Court for £500 damages. In defending himself he was subjected to trouble, anxiety, and loss of time. The costs, up to judgment in defending him, were about £11. Then, after judgment the Sheriff of Montreal charged, for selling the delinquent's property £27 10s 11d--making £38 10s 11d--and the property fetched only £18. The Justice of Peace thus losing £20 for doing his duty gratuitously, besides loss of time. With reference to Attornies, it was not generally known that the one who conducted the case must make the disbursements; but the officers of the Court will always receive their costs, who do the duty, and receive from five to eight hundred pounds per annum--certainly upwards of five hundred. There was another hardship connected



with the manner in which costs are taxed, when Counsel has to attend Court at Quebec, at considerable expense, which must be defrayed by his client, thus giving the rich man an advantage over a poor one, as the expense attending the journey may cost twelve or fourteen pounds, when the fees could not exceed ten. If the discussion were productive of no other immediate result it would have the good effect, of hastening the reduction of the tariff of law expenses.<sup>32</sup>

MR. H. SHERWOOD (de Toronto) espérait que le comité serait nommé, lors même qu'un nouveau tarif dût être fait.<sup>33</sup> ((He)) was in favor of adopting a course by which information would be acquired, as to the expenses incurred in the administration of justice throughout the Province; and would suggest to the mover of the resolution to move an address requesting the government to lay before the House, an account of the various suits in the different courts, with the amount of costs paid to attornies, sheriffs, criers, and tipstiffs; and the statement that £45 had been incurred as costs in an action where the debt was only £16, showed the necessity for an enquiry of that kind. In the case referred to, it appeared that costs to the extent of £10 were incurred--and the people would not enquire what proportion was received by the Attorney, who in every case has to pay the disbursements, and often without the possibility of having the amount returned. If the accounts to which he (Mr. S.) alluded were called for, the House would then have information by which they could keep the judges right; and which might be obtained without incurring any other expense than that of printing--and which would embrace a mass of invaluable information. He had always thought it would be better that the House should determine the tariff of fees, than it should be left to the judges. In Upper Canada, complaints had been made--that the judges reduced the Attorney's fees, and gave to the sheriffs. The more the subject was invested, the more obvious would it appear, that professional men are not deserving of the odium which at present attaches to them.

Mr. Drummond said, one-third of the costs were disbursements, which were made by the Attorney; and the impression which had been created against the members of the legal profession was most unjust, who were worse paid in Lower Canada, than in any part of the civilized world. There, attornies who merely collect accounts, he said, are well paid; and he had known a suit which had lasted ten years in which the fees of the attorney were only ten pounds. He intended next year to bring in a measure which would apply to the administration of justice throughout the province generally; and though he should not oppose the motion, was opposed to the incurring of needless expense in the manner proposed.<sup>34</sup>

MR. BADGLEY spoke in favor of the motion.<sup>35</sup> ((He)) thought the new tariff would be prepared before any investigation could be made. But that was no reason why such investigation should not be made. For if they had the information they would be enabled to say whether or not that tariff was correct.<sup>36</sup> He was understood to say that he considered the tax levied for the building of the court house at Montreal and other places was unjust, and that it should be inquired into.<sup>37</sup> En moyenne ces taxes iront jusqu'à £3 10s dans la plupart des causes.<sup>38</sup>

MR. ARMSTRONG dit qu'ayant secondé la motion, il devait dire quelques mots sur la question, et commença par dire que son hon. ami avait été courageux et presque audacieux en proposant une telle question en chambre,--vu qu'il devait être certain d'attirer une tempête sur lui. Mais quant à l'exemple qu'il a produit, dit M. Armstrong, je sais que ce sont là des faits qui arrivent fréquemment, et je puis produire des spécimens bien plus frappants de la justice qu'on obtient dans les cours. Je ne puis m'abstenir d'en mentionner quelques uns ici. En 1844 je poursuivis un individu qui me devait environ £40; le retour du bailli a établi que l'individu était à l'étranger et ne pouvait être trouvé, ou quelque chose de cette nature. Eh bien! cet individu fut notifié dans des journaux publiés en anglais et en français de paraître un certain jour, pour subir son procès,--il



ne vint pas se présenter, et j'obtins jugement; la propriété fut saisie et annoncée pendant quatre mois dans la Gazette du Canada; mais bon Dieu! le jour de la vente une opposition fut logée, à l'effet que cet individu, bien qu'absent de sa propriété, pour éviter de payer ses dettes, vivait dans un autre district. Il ne prétendait pas avoir payé la dette, ni qu'elle n'était pas dûe, point du tout; et cependant après avoir rendu ce jugement, la même cour et les mêmes juges renversèrent ce même jugement, parce que le bailli n'avait pas fait un bon rapport,-- chose qu'ils auraient dû examiner soigneusement avant de rendre jugement dès le commencement pour éviter de grandes dépenses. A qui devais-je m'adresser pour réparation, au bailli, aux juges ou au shérif? A personne d'entre eux. J'avais perdu £40, et j'étais obligé de recommencer de nouveau les procédures. Finalement j'aurais fourni quelque chose comme £75 ou £80 à l'insatiable trésor judiciaire et rien ne serait resté pour moi.--Dans un autre cas j'obtins jugement contre un autre individu pour £40,--et tout ce que j'ai pu obtenir et que je pourrai jamais avoir, c'est la somme de £3.--Une autre fois,--la propriété fut vendue £34 et les frais se montaient à £68.--Je pourrais facilement multiplier les cas semblables, mais je ne veux pas abuser de la patience et du temps de la chambre. Je ferai seulement observer que la profession légale dans le Bas-Canada n'est responsable d'aucuns frais pour le shérif, le bailli, les annonces, &c. C'est au client qu'il faut s'adresser pour celà; bien plus encore, un plaideur qui poursuit ne peut obtenir d'argent du shérif que quand l'avocat qui a conduit la cause a signé un ordre à cet effet; par conséquent, le pauvre, l'infortuné, le pitoyable avocat tient des lors, s'il ne l'a pas eu d'avance, le montant de son compte,--après cela vient le shérif, ensuite le sergent, puis tous les autres courtiers, tous ont été payés. Le client est toujours placé le dernier, et souvent s'en retourne beaucoup plus pauvre qu'avant d'avoir essayé d'obtenir justice. On accuse mon hon. ami d'avoir produit sa motion trop tard dans la session pour en attendre quelques bons résultats. Oui, il est tard, mais ce n'est pas la faute de mon hon. ami, car à ma connaissance cet avis est sur les ordres du jour depuis au moins un mois; du reste, je ne vois pas quel inconvénient il y aurait à nommer un comité qui pourrait en venir à la conclusion de proposer une adresse au gouverneur général, demandant les retours de tous les jugements, exécutions, et de la distribution des revenus.<sup>39</sup>

MR. SOL. GEN. DRUMMOND made a few remarks in answer to Mr. Badgley. He thought the fund for the building of court houses the best and easiest mode without resorting to direct taxation for this purpose.<sup>40</sup>

MR. CHABOT parla aussi sur le sujet, à l'appui de la motion devant la chambre, et entre autres choses donna son opinion que<sup>41</sup> the Commissioners Court in the District of Quebec was a plague and a public nuisance<sup>42</sup>. Il n'a aucun doute que les frais de la justice depuis l'établissement de ces cours ne soient de beaucoup plus considérables qu'avant. De plus la population a été complètement démoralisée par le manque de confiance dans la sainteté des serments des officiers de ces cours. Des hommes capables de décider des points de loi devraient être placés comme juges résidents dans les diverses parties du pays, d'autres personnes, quelque respectables qu'elles soient d'ailleurs, ne sont pas propres à cette fonction.<sup>43</sup>

A few remarks ((came)) from MR. LAURIN<sup>44</sup>.

MR. CARTIER spoke against the motion, on the ground that he thought that the committee would be a useless expense<sup>45</sup> and declined being one of the Select Committee, as he already belonged to one which engrossed much of his time. He went into a statement of the fees of the Attornies which are incurred in actions of debt, who he considered as not receiving more than they were entitled to for mere manual labor without any reference to the acumen, research and ability which was required in the practice of their profession. He concluded by saying, that he was desirous of extending the jurisdiction of the Commissioners Court from £25 to

£30.46

Some remarks ((came)) from DR. BOUTHILLIER<sup>47</sup>.

(99)

Law Costs and Fees (L.C.)

Mr. Bouthillier moved, seconded by Mr. Armstrong, and the Question being put, That a Select Committee, composed of Mr. Armstrong, Mr. Chabot, Mr. Cartier, Mr. Lacoste, Mr.

Polette, Mr. Sauvageau, and the mover, be appointed to enquire into the Costs and Fees in the administration of Justice in Civil Cases in Lower Canada, to report thereon with all convenient speed; with power to send for persons, papers, and records; the House divided:--And it was resolved in the Affirmative.

Ordered, That the Petition of C.R. Vaughan, of the Township of Stanbridge, Esquire, be referred to the said Committee.

Private Lunatic Asylums (U.C.) Bill.

Ordered, That Mr. McFarland have leave to bring in a Bill for the inspection and proper management of Private Asylums for Insane persons in Upper Canada.

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time, on Monday next.

Bill relating to Shipmasters and Pilots.

Ordered, That Mr. Chauveau and Mr. Fournier be added to the Select Committee to which was referred the Bill to repeal certain provisions of an Act passed in the last Session of the Provincial Parliament, and intituled, "An Act to

consolidate the Laws relative to the powers and duties of the Trinity House of Quebec, and for other purposes," and to exempt Masters of Vessels belonging to the District of Quebec from taking Pilots in certain cases.

Greenstreet's Attorney Bill.

Ordered, That Mr. Notman have leave to bring in a Bill to authorize the Courts of Common Law and Equity in Upper Canada, in their discretion, to admit Henry John Green-

street to practise as an Attorney and Solicitor therein.

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time, on Monday next.

MR. NOTMAN<sup>48</sup> moved an Address to His Excellency to direct the Commissioners of the Provincial Lunatic Asylum, or the proper officer thereof to lay before this House a statement of the amount expended therein and the sum or sums expended still due on contracts, and the amount required to finish the buildings and grounds as originally intended; also, information as to the present state of the grounds and buildings and the arrangements of accommodation that has been provided for paying patients, and whether separate or not from pauper patients, and if provision has been made for their classification; also the number of destitute insane the present building will contain, and the number in the Province who are in the receipt of public support from the Asylum, or from County funds, on the presentations of Grand Juries; the number of paying patients now in the Asylum, and the number of pauper patients there; the Districts, Counties, cities and towns from which they were sent, and the parties recommending them; and also, the amount of the annual grants to the temporary Lunatic Asylum of Toronto for the last five years, the annual cost of the institution, and of the number of patients annually treated therein.<sup>49</sup>

MR. INSP. GEN. HINCKS did not intend to oppose the demand for information, but<sup>50</sup> he could not see what object would be served by producing the information<sup>51</sup>. It did appear to him that part of the information might be obtained from the public documents in five minutes, and other portions of it--the presentments by grand juries--would involve a vast amount of expense, which, in these days of "clear Grit"-ism, would be very unacceptable to the members of that party. It was one of



those documents that not one man in a hundred would read, and for his part he could not see what advantage could be obtained by its presentation.<sup>52</sup> His money had been expended by Commissioners, and there was no charge of corruption against them.<sup>53</sup>

MR. THOMPSON hoped that the information demanded would be laid before the House, as it would satisfy the public mind with respect to the management of the institution. There were a great many complaints of the institution. There were a great many complaints in the country on account of the difficulty of obtaining admission for lunatics.<sup>54</sup> Admission to the institution had been ineffectually sought for persons in the Niagara District.<sup>55</sup>

MR. AT. GEN. BALDWIN said, the difficulty of obtaining admission was caused altogether by the neglect of observing the regular forms.<sup>56</sup> For the protection of the public, in preventing the admission of persons who were not the objects of the institution, it was absolutely necessary that there should be some prescribed form of application.<sup>57</sup> No person could expect that he could obtain admission merely by carrying an unfortunate individual to the door of the asylum, and stating that he was a lunatic. Such an informal system would be highly dangerous.<sup>58</sup>

COL. GUGY said, the essence of clear-gritism was retrenchment, and he hoped the enormous expense of printing such a voluminous document, with the possibility of a heavy postage, would be placed to Mr. Notman's private account, for it could not be expected that he would receive it during the session of Parliament--which would induce the hon. gentleman to withdraw his motion.<sup>59</sup>

MR. H. SHERWOOD was in favor of laying before the House a statement of the manner in which the public money was expended on the Lunatic Asylum. If the hon. gentleman required a copy of the rules,<sup>60</sup> of the institution and information of that kind, which would not occupy much space on the journals of the house, and would be useful to the public,<sup>61</sup> he could not object to that either, but the rest of the information demanded would be perfectly useless.<sup>62</sup>

SIR A. MACNAB said a great deal had been said about the expense of procuring this information, but he held that it would be very little; and he thought it was highly important that it should be furnished.<sup>63</sup>

MR. NOTMAN in making the motion had not the slightest idea that it would be regarded as it had been by the Inspector General.<sup>64</sup> The whole country took an interest in this institution, and had a right to know what sums of money had been already expended on it, and what was still required for its completion. At present the public knew nothing whatever about it.<sup>65</sup> He understood that a great deal of difficulty had arisen from persons who had come here seeking admission for patients who had been refused and he held that it was owed to the public to let them know what were the reasons for which patients were admitted. He asked for information of which the public was totally ignorant.<sup>66</sup> He had not a single complaint to make about it or its management; on the contrary, he looked on it as a credit to the Province, and that the officers in charge were deserving of the highest praise for the manner in which they fulfilled their duties. He repelled the taunt of "Clear Gritism" or any other "ism," as he was actuated solely by a desire for the public weal.<sup>67</sup>

MR. STEVENSON could easily understand from some circumstances that came within his own observation, that difficulty was encountered in obtaining admission for patients into the asylum, but it was solely from want of attention to the proper forms.<sup>68</sup>

MR. INSP. GEN. HINCKS was delighted with the warmth of the hon. member for Middlesex, in repelling the insinuation of "Clear Gritism," as three or four hon.



gentlemen in the House appeared to be rather anxious of being distinguished as "Clear Grits." As he had already said, he did not desire to oppose the motion, in fact he would not alter one word in it, if the hon. gentleman persisted in it. All he wanted was to point out the great delay in procuring from the Clerks of the Peace copies of the presentments by Grand Juries, and the great expense which would attend the printing of such an immense amount of matter.<sup>69</sup>

MR. NOTMAN amended his motion, by expunging that portion of it, to which Mr. Hincks objected<sup>70</sup>.

It was then passed.<sup>71</sup>

(99)

On motion of Mr. Notman, seconded by Mr. Thompson,

Lunatic Asylums.

Resolved, That an humble Address be presented to His Excellency the Governor General, praying this His Excellency may be pleased to direct the Commissioners of the Provincial

Lunatic Asylum, or the proper officer thereof, to lay before this House, a Statement of the amount expended thereon, and the sum or sums still due on contracts; the amount required to finish the buildings and grounds as originally intended; also, information as to the present state of the grounds and buildings, and the arrangements of both; also a Report shewing if the house will admit of a perfect classification of pauper patients, if any, and what accommodation has been provided for paying patients, and whether separate or not from pauper patients, and if provision be made for their classification; also, the number of destitute Insane the present building will contain, and the number in the Province who are in receipt of public support from the Asylum or from County Funds, on the presentations of Grand Juries; the number of paying patients now in the Asylum, and the number of pauper patients there; the Districts, Counties, Cities, and Towns from which they were sent, and the parties recommending them; and, also, the amount of the annual grants to the Temporary Lunatic Asylum at Toronto, for the last five years; the annual cost of the Institution, and of the number of patients annually treated therein.

Ordered, That the said Address be presented to His Excellency the Governor General, by such Members of this House as are of the Honorable the Executive Council of this Province.

(100)

On motion of Mr. Chauveau, seconded by the Honorable Mr. Chabot,

Exploration of Territory between Quebec and Lake St. John.

Resolved, That an humble Address be presented to His Excellency the Governor General, praying His Excellency to cause to be laid before this House, a copy of the Report of an Exploration made by Mr. Blaiklock, or any other person, of any portion of territory situate between Quebec and Lake St. John; and also, a copy of the Instructions given

to Mr. Blaiklock.

Ordered, That the said Address be presented to His Excellency the Governor General, by such Members of this House as are of the Honorable the Executive Council of this Province.

County of Grey Bill.

Ordered, That Mr. Fergusson have leave to bring in a Bill for the erection of certain territory in Upper Canada into a new County, to be called the County of Grey, and for

certain purposes relating to such new County.

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time, on Monday, the eighth of July next.

Wellington  
Land Tax  
Bylaw Bill.

Ordered, That Mr. Fergusson have leave to bring in a Bill to remove all doubts as to the validity of a certain By-Law of the District Council of the late District of Wellington, intituled, "A By-Law to equalize the tax on all

Lands," and to provide for the collection of the rates imposed by the said By-Law. He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time, on Monday next.

Agricultural  
Society (L.C.)  
Bill.

Ordered, That Mr. Taché have leave to bring in a Bill to amend the Act to incorporate the Lower Canada Agricultural Society.

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time, on Monday next.

Toronto Ne-  
cropolis Bill.

Ordered, That Mr. Morrison have leave to bring in a Bill to incorporate the Toronto Necropolis.

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time, on Monday, the eighth of July next.

Fish and  
Oil Bill.

Ordered, That Mr. Méthot have leave to bring in a Bill to amend and continue the Ordinance for the inspection of Fish and Oil.

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time, on Wednesday next.

Laws Distri-  
bution Bill.

Ordered, That Mr. Duchesnay have leave to bring in a Bill to amend the Act relative to the distribution of the Provincial Statutes.

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time, on Wednesday, the tenth of July next.

Imprisonment  
for Debt Bill  
(No. 2.)

Ordered, That Mr. Wilson have leave to bring in a Bill to abolish imprisonment for debt, excepting in cases of fraud, and to extend the remedy by Writs of Execution.

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time, on Monday next.

On motion of Mr. Fortier, seconded by Mr. Guillet,

Hon. L. J.  
Papineau.

Resolved, That an humble Address be presented to His Excellency the Governor General, praying His Excellency to be pleased to cause to be laid before this House, copies of all Correspondence that may have taken place between the Government and the Honorable Louis Joseph Papineau, on the subject of a certain sum of money which was entrusted to the latter when at Paris, to procure copies of historical documents for the Quebec Literary and Historical Society.

Ordered, That the said Address be presented to His Excellency the Governor General, by such Members of this House as are of the Honorable the Executive Council of this Province.

Toronto Mech-  
anics' Insti-  
tute Bill.

Ordered, That Mr. Morrison have leave to bring in a Bill to amend the Act to incorporate the Mechanics' Institute of the City of Toronto.

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time, on Monday, the



*eighth of July next.*

Joint Stock  
Companies  
Bill.

*Ordered, That the Honorable Mr. Cameron of Cornwall have leave to bring in a Bill to extend the provisions of the Act for the formation of Joint Stock Companies.*

*He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time, on Monday, the eighth of July next.*

Right of  
Appeal Bill.

*Ordered, That Mr. Burritt have leave to bring in a Bill to extend the right of Appeal in certain cases in Upper Canada.*

*He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time, on Monday next.*

St. Hyacinthe  
Incorporation  
Bill.

*Ordered, That Mr. Solicitor General Drummond have leave to bring in a Bill for the incorporation of the Town of St. Hyacinthe.*

*He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time, on Monday next.*

Division  
Line Bill.

*Ordered, That Mr. Solicitor General Drummond have leave to bring in a Bill to define and establish the Division Line between Upper and Lower Canada, from the River St. Lawrence to the River Ottawa.*

*He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time, on Tuesday next.*

Lachine Rail-  
road Company.

*Mr. Cartier moved, seconded by Mr. Holmes, and the Question being put, That the sixty-sixth Rule of this House be suspended in so far as it affects the Petition of the Montreal and Lachine Railroad Company, praying for the passing of an Act to extend the Charter of the said Company, and to authorize them to continue the said Railroad, and for the incorporation of the St. Lawrence and Ottawa Grand Junction Railroad Company;*

*The House divided: and the names being called for, they were taken down, as follow:--*

YEAS.

*Messieurs Attorney General Baldwin, Bell, Boulton of NORFOLK, Burritt, Cameron of CORNWALL, Cameron of KENT, Cartier, Cayley, Chabot, Crysler, Dickson, Solicitor General Drummond, Duchesnay, Dumas, Fortier, Holmes, Hopkins, Johnson, Lemieux, Lyon, Malloch, McConnell, Prince, Richards, Ross, Sanborn, Sherwood of BROCKVILLE,*

(101)

*Sherwood of TORONTO, Smith of DURHAM, Smith of WENTWORTH, Stevenson, Taché, Viger, and Wilson.--(34.)*

NAYS.

*Messieurs Armstrong, Bouthillier, Christie, DeWitt, Guillet, Lacoste, Laurin, Sir Allan N. MacNab, McLean, Méthot, Mongenais, Papineau, and Scott of TWO MOUNTAINS.--(13.)*

*So it was resolved in the Affirmative.*

Lake St. Louis  
Railroad.

*Mr. Holmes moved, seconded by Mr. Cartier, and the Question being put, That the sixty-sixth Rule of this House be suspended in so far as it relates to the introduction of a Bill petitioned for by the Lake St. Louis and Province Line Railroad Company to unite that Company with the Montreal and Lachine Railroad Company, under the name*



of the Montreal and New York Railroad Company; the House divided:--And it passed in the Negative.

Montreal Advocates' Library.

Ordered, That the Petition of the Advocates' Library of Montreal, be now read; and that the Rule of this House be suspended as regards the same.

And the said Petition was read; praying for the amendment of the Act incorporating the said Company.

Bill relating to certain Promises and Engagements.

Ordered, That the Amendments made by the Legislative Council to the Bill, intituled, "An Act for rendering a written memorandum necessary to the validity of certain promises and engagements," be now taken into consideration.

The House proceeded accordingly to take the said Amendments into consideration and the same were read, as follow:--

Press 2, line 40. After "operation" leave out "of either."

Press 2, line 41. After "said" leave out "Statutes" and insert "Statute."

The said Amendments, being read a second time, were agreed to.

Ordered, That the Honorable Mr. Cameron of Cornwall do carry back the Bill to the Legislative Council, and acquaint their Honors, that this House hath agreed to their Amendments.

Orders of the Day.

Mr. Armstrong moved, seconded by the Honorable Mr. Viger, and the Question being put, That the Orders of the day be postponed until to-morrow;

The House divided: and the names being called for, they were taken down, as follow:--

YEAS.

Messieurs Armstrong, Boulton of NORFOLK, Cartier, Chabot, Dumas, Fortier, Guillet, Lacoste, LaTerrière, Lemieux, Lyon, McFarland, Méthot, Notman, Viger, and Watts.--(16.)

NAYS.

Messieurs Badgley, Attorney General Baldwin, Bell, Bouthillier, Burritt, Cameron of CORNWALL, Cayley, Christie, Crysler, DeWitt, Dickson, Holmes, Hopkins, Johnson, Laurin, Sir Allan N. MacNab, Malloch, McConnell, McLean, Mongenais, Papineau, Polette, Richards, Sanborn, Scott of TWO MOUNTAINS, Sherwood of BROCKVILLE, Smith of DURHAM, Smith of WENTWORTH, Stevenson, and Wilson.--(30.)

So it passed in the Negative.

Bill to exclude certain persons from Offices.

The Order of the day for the second reading of the Bill to exclude persons from Offices who have been concerned in creating them, or increasing their emoluments, being read;

Ordered, That the Bill be read a second time, on Wednesday next.

Vessels Night Light Bill.

The Order of the day for the second reading of the Bill to amend an Act, intituled, "An Act to compel Vessels to carry a Light during the Night, and to make sundry provisions to regulate the navigation of the waters of this Province," being read;

The Bill was accordingly read a second time; and referred to a Select Committee, composed of the Honorable Mr. Cameron of Cornwall, the Honorable Mr. Attorney General Baldwin, Mr. Holmes, Mr. Christie, and the Honorable Mr. Sherwood, to report thereon with all convenient speed; with power to send for persons, papers, and records.

Bill relating to Upton Township.

The Order of the day for the second reading of the Bill to separate certain concessions of the Township of Upton from the District of Three Rivers, and to unite them for Judicial

purposes to the District of Montreal and to the St. Hyacinthe Circuit, and for Municipal purposes to the Parish of St. Hugues in the last named District, being read;

Ordered, That the Bill be read a second time, on Monday next.

Actions of  
Dower Bill.

The Order of the day for the second reading of the Bill to alter the practice of the law in Actions of Dower in Upper Canada, being read;

The Bill was accordingly read a second time; and referred to the Special Committee to which was referred the Bill to amend the Law, simplify the practice, and reduce the expense of legal proceedings in Upper Canada.

Actions of  
Ejectment Bill.

The Order of the day for the second reading of the Bill to alter and amend the practice and proceedings in Actions of Ejectment in Upper Canada, being read;

The Bill was accordingly read a second time; and referred to the Special Committee to which was referred the Bill to amend the Law, simplify the practice, and reduce the expense of legal proceedings in Upper Canada.

Real Property  
Registration  
Bill.

The Order of the day for the second reading of the Bill to amend the Ordinance which provides for the Registration of Titles to and Incumbrances on Real Property, being read;

Ordered, That the Bill be read a second time, on Monday next.

Court of Chancery  
Proceedings Bill.

The Order of the day for the second reading of the Bill to confirm Decrees and Orders and other proceedings of the Court of Chancery of Upper Canada, in certain cases, being

read;

Ordered, That the Bill be read a second time, on Monday next.

Bill to restrain  
technical ob-  
jections in  
Law Suits.

The Order of the day for the second reading of the Bill to restrain technical objections in Suits at Common Law, being read;

The Bill was accordingly read a second time; and referred to the Special Committee to which was referred the Bill to amend the Law, simplify the practice, and reduce the expense of legal proceedings in Upper Canada.

Municipal  
Law (L.C.)  
Bill.

The Order of the day for the second reading of the Bill to amend the Municipal Law of Lower Canada, being read;

Ordered, That the Bill be read a second time, on Monday next.

Bill relating  
to Foreign  
Judgments.

The Order of the day for the second reading of the Bill to facilitate the admission in Evidence of Foreign Judgments, and certain official and other documents, being read;

The Bill was accordingly read a second time; and committed to a Committee of the whole House, for Monday next.

(102)

Law of Evidence  
(L.C.) Bill.

The Order of the day for the second reading of the Bill to improve the Law of Evidence in Lower Canada, being read;

Ordered, That the Bill be read a second time, on Monday next.

Chambly Turn-  
pike Road Bill.

The Order of the day for the House in Committee on the Bill to amend the Ordinance relating to the Longueuil and Chambly Turnpike Road, being read;

Ordered, That the said Order of the day be postponed, until Monday next.

Division  
Courts (U.C.)  
Bill, (No. 1.)

The Order of the day for the second reading of the Bill to amend, consolidate, and reduce into one Act, the several Laws now in force referring to Division Courts in Upper Canada, being read;

Ordered, That the Bill be read a second time, on Monday next.

Road Laws  
(L.C.) Re-  
print Bill.

The Order of the day for the second reading of the Bill to provide for the reprinting of the Acts and Ordinances in force in Lower Canada relative to Highways and Bridges, and for other purposes, being read;

Ordered, That the Bill be read a second time, on Monday next.

Orders  
deferred.

The Honorable Mr. Chabot moved, seconded by the Honorable Mr. Viger, and the Question being put, That the remaining Orders of the day be postponed until to-morrow;

The House divided:

Yeas, 20.

Nays, 11.

So it was resolved in the Affirmative.

Then, on motion of the Honorable Mr. Chabot, seconded by the Honorable Mr. Viger,

The House adjourned.



APPENDIX: 27 JUNE 1850.

((NOTICE OF MOTION RE: MORNING MEETINGS OF HOUSE.))<sup>72</sup>

MR. AT. GEN. BALDWIN had given notice that he will move that there be morning sittings of the House on Mondays, Wednesdays, and Fridays<sup>73</sup> at 10 o'clock, A.M.<sup>74</sup>

((NOTICE OF QUESTION RE: TOLLS AT PORT OF MONTREAL AND CHAMBLY CANAL.))

MR. LAURIN ((gave notice of an)) Enquiry of Ministry, whether it is the intention of Government to bring forward, during the present Session, a measure tending to diminish the Tolls imposed at the Port of Montreal, and on the Chambly Canal, upon Wood, Salt, Coal, and upon Vessels?<sup>75</sup>

((QUESTION AND ANSWER RE: PURCHASE OF VICTORIA COLLEGE.))<sup>76</sup>

MR. H. BOULTON enquired of ministers whether they had purchased the building at Cobourg, built for the use of Victoria College, for any and what public purpose, and if so, at what price, and under the authority of what law?<sup>77</sup>

MR. INSP. GEN. HINCKS replied that no purchase had been made, that no negotiation had been had on the subject<sup>78</sup> and consequently had given no price under the authority of no law.<sup>79</sup> A statement which appeared in one of the newspapers, and which seemed to have given rise to such an opinion, was entirely without foundation.<sup>80</sup>

((QUESTION AND ANSWER RE: TRUSTEES OF QUEBEC TURNPIKE ROADS.))<sup>81</sup>

MR. HOLMES enquired whether it was the intention of the Ministry to adopt measures whereby the Trustees of the Quebec Turnpike Roads may be enabled, under the provisions of the Act 4th Vic. cap. 17, to keep faith with the public creditor, and thereby redeem the past due bonds of the Trust.<sup>82</sup>

MR. INSP. GEN. HINCKS said, in answer to that question it would be necessary to make a few observations, in order to explain the exact position of the subject to which reference had been made. An ordinance was passed, authorizing the issue of debentures, to repair the Turnpike Roads in the Province of Lower Canada, Government making itself responsible for the interest on these, but not for the principal. On this authority certain sums of money were borrowed at the rate of 6 per cent. Some of these had become due, and they were called upon to authorize the commissioners to borrow money at a much higher rate of interest than 6 per cent. to enable them to redeem the old bonds. But the effect would be, that the Province, although not liable to pay more than 6 per cent, would have to pay, perhaps, 8 per cent. It is perfectly obvious, also, that Government would incur an increased liability, being liable for the interest. Besides this, certain parties who became possessed of these debentures, with the full knowledge of this would receive 8 per cent. instead of 6 per cent. upon them. For these reasons Government have considered that they are not authorized to issue new ones at present.<sup>83</sup>

((QUESTION AND ANSWER RE: COMMITTEE TO PREPARE ADDRESS ON CLERGY RESERVES.))<sup>84</sup>

SIR A. MACNAB ((made)) an inquiry.<sup>85</sup>

MR. COM. CR. LANDS PRICE stated, in answer ... that the committee appointed to prepare an address to the Queen, on the subject of the Clergy Reserves, would report on Friday<sup>86</sup>.

((WITHDRAWN MOTION RE: PETITIONS FOR PROTECTIVE DUTY ON HOPS.))<sup>87</sup>

MR. ROBINSON, having presented a petition signed by some 400 respectable

farmers and hop growers, in order to bring the matter under the consideration of the House, moved to refer it to a select committee<sup>88</sup> to consist of Messrs. Hincks, Merritt, Seymour, Stevenson, and Robinson.<sup>89</sup> Mr. Robinson stated that the duty on hops was now 20 per cent ad valorem instead of 3d. a pound as heretofore; the effect of the change was, that while the duty in 1848 amounted to £623 9 6, in 1849 it was only £155 4 4--thus showing a loss to the revenue of £467 8 2. He (Mr. R.) also desired to call the attention of the Hon. Inspector General to the fact that, the quantity of hops imported in 1849, was 31,513 lbs.--that the value put on them here, he (Mr. R.) found was 10½d per pound which would have produced the sum of £359 16s, more than double the amount which appeared to have been received:--showing that the article was much under valued, and thus not affording even the protection which it was professed to give by the Act. The duty on 100 lbs., Mr. R. stated, under the present value and duty, was 17s 1d, whereas at 3d. it would be 25s. or about 50 per cent, more than by the present law. (Hear, hear.)<sup>90</sup>

MR. INSP. GEN. HINCKS said he could not see the use of putting his hon. friend from Lincoln and himself on a committee with three members opposed to them on the Free Trade question, in order to pass a report in favor of protection.--There was no use of a committee to examine into a question upon which their minds were already made up. The government did not intend any alteration in the Tariff this session and he did not think that the people were prepared to recede from their position in favor of free trade. The honorable member asked for protection for this article, while he admitted that the production of it in Canada was rapidly increasing. If the article was a profitable one, it would be cultivated without protection; and if it were not profitable, then the people would cultivate something else that was. He had no doubt that it could and would be grown to a great extent by the Canadian farmer, and amply remunerate him.<sup>91</sup>

MR. ROBINSON said, he was a protectionist, and that although the hon. Inspector General thought, that the revenue losing £467 a small matter,--he Mr. R. would be glad to get even that sum to mend some of the bad roads in Simcoe. Mr. Hincks having opposed the reference to a Committee--Mr. R. stated he had no other mode of bringing the matter before the House,--and having done this,--he would, of course, withdraw the motion.<sup>92</sup>

((POSTPONED MOTION RE: CANAL BETWEEN THE RIVERS ST. LAWRENCE AND ST. JOHN'S.))<sup>93</sup>

MR. CHAUVEAU moved for an address to His Excellency for a copy of correspondence on the subject of a communication by Canal or Railway between the River St. Lawrence and the River St. John.<sup>94</sup> ((He)) had pledged himself at a public meeting at Quebec, to bring this subject under the consideration of Government. He was glad to see that it was taken up by an hon. member who was more interested in it, than his (Mr. C's.) constituents could be, and that he had advocated the appointment of a committee to enquire into the possibility of constructing such a canal. The hon. gentleman he alluded to, was the hon. member for Rimouski, who, at great expense, had made a partial exploration of the route. That great facilities were offered for the construction of a canal was apparent to every person acquainted with the country, and were duly appreciated by the Government of New Brunswick.<sup>95</sup> It was ... of very great importance, not only to Lower but also to Upper Canada. He then read an extract from a report of Captain Bent, of the Engineer Department, who had surveyed the River St. John, in which he stated that the plan was highly feasible. He next read extracts from a speech which had been delivered by the Rev. Mr. Churchill, at a public meeting upon the proposed undertaking, held at Quebec in January last<sup>96</sup> and hon. members would then see how desirable it was to have this work undertaken.

"The river required no survey, and the length of passage between Trois Pistoles and Lake Temiscouata was only 18 miles, or between Rivière du Loup and Temiscouata, 36 miles; and there is no doubt but that the remainder would be undertaken by the New Brunswickers. He should now call attention to the route itself, and to the great points to be gained. The route was to St. Johns by Lake Temiscouata, and the only land in the way was the portage at Trois Pistoles and the Grand Falls; and here he could remark, that for two years past there had been a horse-boat on the lake, and a small steamer plying on the upper portion of the St. John's nearest to the Madawaska, also between Woodstock and Fredericton. Indeed between Woodstock and Fredericton the traffic had been considerable; during last summer but one, there were no less than 3,000 passengers and 2,000 barrels of freight conveyed by this single vessel." The consumption of flour in New Brunswick alone, was estimated at 200,000 barrels per annum, and he would read the difference in cost of transport, as estimated by Mr. Fisher,<sup>97</sup> the introducer of the government measure in New Brunswick,<sup>98</sup> between the proposed route and that by way of New York:--

"200,000 brls. of flour at Chicago,	D3,50c.	D700,000
Freight to Quebec . . . . .	30	100,000
Forwarding, &c. . . . .	5	10,000
Insurance, 1 per cent. . . . .		8,000
Insurance from Quebec, $\frac{1}{2}$ per cent.		4,050
Freight from Quebec to St. John . .		100,000
Commission, $2\frac{1}{2}$ per cent. . . . .		23,063
		<hr/>
Total in Quebec . . . .		D945,203

Exchange probably equal.

Via New York Route.

200,000 brls. of flour to Chicago,	D3,50c.	D700,000
Freight to New York . . . . .	1,00	200,000
Forwarding at Buffalo . . . . .	5	10,000
Insurance to New York, 1 per cent.		9,100
Shipping charges at New York . . .	5	10,000
Insurance from N. York, 1 per cent.		9,291
Exchange on N. York, $1\frac{1}{2}$ per cent.		14,076
Freight from New York . . . . .	25	50,000
Commission, $2\frac{1}{2}$ per cent. . . . .		25,062
		<hr/>

Total in New York . . . D1,027,529

Deduct . . . . . 945,203

Difference of Expense, in favor of Quebec route . . . . . D 82,326

And with the contemplated route opening up such a favorable opportunity of obtaining the articles at a low freight, the consumption in the Lower Provinces would be at least doubled."<sup>99</sup> Having lived there for a long time, he could testify that there never was a less difference than from \$2 $\frac{1}{2}$  to \$3 per barrel between Quebec and the lower Provinces. The reverend gentlemen their (sic) went on to state, that the hon. Mr. Merritt had declined, on the part of the government of Canada, to assist in the undertaking, unless the lower Provinces would offer an equivalent. That equivalent he held could be offered by the Salt Mine lately discovered at Woodstock, which, by analysis, was found to be in strength, when compared with that of Liverpool, as 3 to 2. Then, there was also an Iron Mine, which had lately been found near the same place, which was equal in quality to that of Prussia, and was unequalled for its ductility, losing only  $1\frac{1}{2}$  per cent in puddling.



In his (Mr. Chauveau's) opinion, there would result another advantage from the proposed Canal.<sup>100</sup> It would complete the great work of the St. Lawrence Canals<sup>101</sup>. When completed, vessels need be no longer subjected to the difficulties<sup>102</sup> and dangers incurred by the navigation of the<sup>103</sup> lower part of the Gulf<sup>104</sup> of the St. Lawrence at certain seasons of the year<sup>105</sup>. It would unite the St. Lawrence with the Bay of Funday (sic), and would<sup>106</sup> materially increase the trade between Canada and the Lower Provinces, by opening a safe and expeditious route from there to the Western States. He therefore hoped that copies of all correspondence between the two Governments on the highly important subject would be laid before the House.<sup>107</sup>

MR. ROBINSON doubted whether another million and a half could be obtained, but he hoped the Government would send some experienced person down this season to see what could be done, as he heard a very small sum would suffice for constructing a canal in that quarter.<sup>108</sup>

MR. CAUCHON spoke in favour of the proposed undertaking.<sup>109</sup>

MR. SOL. GEN. DRUMMOND hoped the hon. member for Quebec would allow this motion to stand over until to-morrow, as the Commissioner of Crown Lands was not at that moment in his place.<sup>110</sup>

MR. CHAUVEAU assented to the request of the Sol. General.<sup>111</sup>

FOOTNOTES: 27 JUNE 1850.

1. NORTH AMERICAN, 2 July 1850. This was also reported in an identical account in GLOBE, 29 June 1850.
2. IBID.
3. EXAMINER, 3 July 1850.
4. GLOBE, 2 July 1850.
5. EXAMINER, 3 July 1850.
6. GLOBE, 2 July 1850.
7. EXAMINER, 3 July 1850.
8. GLOBE, 2 July 1850.
9. IBID.
10. IBID.
11. IBID.
12. IBID.
13. The following papers reported this exchange in partially identical accounts: GLOBE, 29 June 1850, NORTH AMERICAN, 2 July 1850, PILOT, 2 July 1850, KENT ADVERTISER, 4 July 1850, BATHURST COURIER, 5 July 1850, PACKET, 6 July 1850, and LA MINERVE, 4 July 1850. MONTREAL GAZETTE, 2 July 1850, noted Cameron's speech.
14. NORTH AMERICAN, 2 July 1850.
15. IBID.
16. IBID.
17. The following papers reported this matter in identical accounts: GLOBE, 29 June 1850, NORTH AMERICAN, 2 July 1850, PILOT, 2 July 1850, KENT ADVERTISER, 4 July 1850, BATHURST COURIER, 4 July 1850, and PACKET, 6 July 1850.
18. NORTH AMERICAN, 2 July 1850.
19. IBID.
20. The following papers reported the debate on this matter in partially identical accounts: GLOBE, 29 June 1850, NORTH AMERICAN, 2 July 1850, PILOT, 2 July 1850, and PACKET, 6 July 1850. The debate was also reported by: MONTREAL GAZETTE, 2 July 1850; EXAMINER, 3 July 1850; BRITISH WHIG, 4 July 1850; and LA MINERVE, 4, 8 July 1850.
21. BRITISH WHIG, 4 July 1850.
22. LA MINERVE, 4 July 1850.
23. IBID.
24. MONTREAL GAZETTE, 2 July 1850.
25. IBID.
26. LA MINERVE, 4 July 1850.
27. MONTREAL GAZETTE, 2 July 1850.
28. LA MINERVE, 4 July 1850.
29. MONTREAL GAZETTE, 2 July 1850.
30. LA MINERVE, 4 July 1850.
31. MONTREAL GAZETTE, 2 July 1850.
32. BRITISH WHIG, 4 July 1850.
33. LA MINERVE, 4 July 1850.
34. BRITISH WHIG, 4 July 1850.
35. MONTREAL GAZETTE, 2 July 1850.
36. NORTH AMERICAN, 2 July 1850.
37. MONTREAL GAZETTE, 2 July 1850.
38. LA MINERVE, 8 July 1850.
39. IBID.
40. MONTREAL GAZETTE, 2 July 1850.
41. LA MINERVE, 8 July 1850.
42. MONTREAL GAZETTE, 2 July 1850.

43. LA MINERVE, 8 July 1850.
44. MONTREAL GAZETTE, 2 July 1850.
45. IBID.
46. BRITISH WHIG, 4 July 1850.
47. EXAMINER, 3 July 1850.
48. The following papers reported the debate on this matter in identical accounts: GLOBE, 29 June 1850, NORTH AMERICAN, 2 July 1850, and BATHURST COURIER, 5 July 1850. The debate was also reported by EXAMINER, 3 July 1850.
49. EXAMINER, 3 July 1850.
50. NORTH AMERICAN, 2 July 1850.
51. EXAMINER, 3 July 1850.
52. NORTH AMERICAN, 2 July 1850.
53. EXAMINER, 3 July 1850.
54. NORTH AMERICAN, 2 July 1850.
55. EXAMINER, 3 July 1850.
56. NORTH AMERICAN, 2 July 1850.
57. EXAMINER, 3 July 1850.
58. NORTH AMERICAN, 2 July 1850.
59. IBID.
60. IBID.
61. EXAMINER, 3 July 1850.
62. NORTH AMERICAN, 2 July 1850.
63. EXAMINER, 3 July 1850.
64. IBID.
65. NORTH AMERICAN, 2 July 1850.
66. EXAMINER, 3 July 1850.
67. NORTH AMERICAN, 2 July 1850.
68. IBID.
69. IBID.
70. IBID.
71. IBID.
72. The following papers reported this notice in partially identical accounts: MONTREAL GAZETTE, 2 July 1850, and MORNING CHRONICLE, 3 July 1850. The notice was also reported by PILOT, 2 July 1850.
73. MONTREAL GAZETTE, 2 July 1850.
74. PILOT, 2 July 1850.
75. IBID.
76. The following papers reported this question in identical accounts: BRITISH COLONIST, 28 June 1850, HAMILTON SPECTATOR, 29 June 1850, MONTREAL TRANSCRIPT, 2 July 1850; MONTREAL GAZETTE, 28 June 1850, PILOT, 29 June 1850; NORTH AMERICAN, 2 July 1850, GLOBE, 29 June 1850, and BATHURST COURIER, 5 July 1850. The question was also reported by: MONTREAL GAZETTE, 2 July 1850; and EXAMINER, 3 July 1850.
77. EXAMINER, 3 July 1850.
78. IBID.
79. MONTREAL GAZETTE, 2 July 1850.
80. NORTH AMERICAN, 2 July 1850.
81. The following papers reported this question in identical accounts: MONTREAL GAZETTE, 28 June 1850, PILOT, 29 June 1850; NORTH AMERICAN, 2 July 1850, and GLOBE, 29 June 1850. The question was also reported by: MONTREAL GAZETTE, 2 July 1850, and EXAMINER, 3 July 1850.
82. NORTH AMERICAN, 2 July 1850.
83. IBID.
84. The following papers reported this question in identical accounts: BRITISH COLONIST, 28 June 1850, and HAMILTON SPECTATOR, 29 June 1850.



85. BRITISH COLONIST, 28 June 1850.
86. IBID.
87. The following papers reported this withdrawn motion in identical accounts:  
GLOBE, 29 June 1850, NORTH AMERICAN, 2 July 1850; PILOT, 2 July 1850, and  
PACKET, 6 July 1850. The motion was also reported by: BRITISH COLONIST, 2  
July 1850.
88. BRITISH COLONIST, 28 June 1850.
89. NORTH AMERICAN, 2 July 1850.
90. BRITISH COLONIST, 2 July 1850.
91. NORTH AMERICAN, 2 July 1850.
92. BRITISH COLONIST, 2 July 1850.
93. The following papers reported this postponed motion in identical accounts:  
GLOBE, 2 July 1850, PILOT, 6 July 1850, and LA MINERVE, 11 July 1850. It  
was also reported by MONTREAL TRANSCRIPT, 9 July 1850.
94. MONTREAL TRANSCRIPT, 9 July 1850.
95. PILOT, 6 July 1850.
96. MONTREAL TRANSCRIPT, 9 July 1850.
97. PILOT, 6 July 1850.
98. MONTREAL TRANSCRIPT, 9 July 1850.
99. PILOT, 6 July 1850.
100. MONTREAL TRANSCRIPT, 9 July 1850.
101. PILOT, 6 July 1850.
102. MONTREAL TRANSCRIPT, 9 July 1850.
103. PILOT, 6 July 1850.
104. MONTREAL TRANSCRIPT, 9 July 1850.
105. PILOT, 6 July 1850.
106. MONTREAL TRANSCRIPT, 9 July 1850.
107. PILOT, 6 July 1850.
108. IBID.
109. MONTREAL TRANSCRIPT, 9 July 1850.
110. PILOT, 6 July 1850.
111. IBID.

## PROPER NAME INDEX

### INTRODUCTION

The Index is limited to the names of the men who sat in the Canadian Assembly in 1850. It therefore excludes the names of all other persons, such as people mentioned in debates, witnesses testifying before the House in Committee of the Whole, or messengers such as Félix Fortier, Clerk of the Crown in Chancery, who at one time or another addressed the House from within the Bar. It also excludes the names of people merely mentioned in the House, such as those whose testimony before Select Committees was reported or referred to in the JOURNALS, and signatories to Petitions presented whose names are noted in connection with various kinds of legislation.

The decision to limit the proper name Index to members of the Assembly was made necessary by the fact that in 1850 the other names number in the thousands, so that their sheer bulk makes it impossible to include them. In addition, every piece of legislation or testimony with which these names are associated is always indexed under subject references. To summarize, the proper name Index refers to every occasion when a member proposed or seconded a motion or resolution, or brought up a petition; it refers to every speech he delivered during debates, and to every other time he addressed the House or took the chair of the House in Committee of the Whole. Only individual votes are excluded because divisions rightfully belong with the legislation they pertain to, and all legislation is included in the subject Index.

This Index refers only to Part I of Volume IX. At the end of Part II will be included, the continuation of the proper name Index, followed by an Index of the subjects in Volume IX, Parts I and II together.

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